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ARTICLE 15

RELATING TO HEALTHCARE REFORM

SECTION 1. Title 5 of the General Laws entitled "Businesses and Professions" is hereby amended by adding thereto the following chapter:

CHAPTER 37.8

THE INTERSTATE MEDICAL LICENSURE COMPACT

5-37.8-1. Short title.

This chapter shall be known and may be cited as the "interstate medical licensure compact act."

5-37.8-2. Purpose.

In order to strengthen access to health care, and in recognition of the advances in the delivery of health care, the member states of the interstate medical licensure compact have allied in common purpose to develop a comprehensive process that complements the existing licensing and regulatory authority of state medical boards, provides a streamlined process that allows physicians to become licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the safety of patients. The compact creates another pathway for licensure and does not otherwise change a state's existing medical practice act. The compact also adopts the prevailing standard for licensure and affirms that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter, and therefore, requires the physician to be under the jurisdiction of the state medical board where the patient is located. State medical boards that participate in the compact retain the jurisdiction to impose an adverse action against a license to practice medicine in that state issued to a physician through the procedures in the compact.

5-37.8-3. Definitions.

As used in this chapter, the following words and terms shall have the following meanings:

- (1) "Bylaws" means those bylaws established by the interstate commission pursuant to §5-37.8-12 for its governance, or for directing and controlling its actions and conduct.
- (2) "Commissioner" means the voting representative designated by each member board pursuant to § 5-37.8-12.
- (3) "Conviction" means a finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a plea of guilt, nolo contendere, or no contest to the charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board.

1           (4) "Expedited license" means a full and unrestricted medical license granted by a member  
2           state to an eligible physician through the process set forth in the compact.

3           (5) "Interstate commission" means the interstate commission created pursuant to § 5-37.8-  
4           12.

5           (6) "Interstate medical licensure compact" or "compact" means the interstate medical  
6           licensure compact created pursuant to this chapter.

7           (7) "License" means authorization by a state for a physician to engage in the practice of  
8           medicine, which would be unlawful without the authorization.

9           (8) "Medical practice act" means laws and regulations governing the practice of allopathic  
10           and osteopathic medicine within a member state.

11           (9) "Member board" means the Rhode Island board of medical licensure and discipline.

12           (10) "Member state" means a state that has enacted the compact.

13           (11) "Practice of medicine" means the clinical prevention, diagnosis, or treatment of human  
14           disease, injury, or condition requiring a physician to obtain and maintain a license in compliance  
15           with the medical practice act of this state.

16           (12) "Physician" means any person who:

17           (i) Is a graduate of a medical school accredited by the Liaison Committee on Medical  
18           Education, the Commission on Osteopathic College Accreditation, or a medical school listed in the  
19           International Medical Education Directory or its equivalent;

20           (ii) Passed each component of the United States Medical Licensing Examination (USMLE)  
21           or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) within three  
22           (3) attempts, or any of its predecessor examinations accepted by a state medical board as an  
23           equivalent examination for licensure purposes;

24           (iii) Successfully completed graduate medical education approved by the Accreditation  
25           Council for Graduate Medical Education or the American Osteopathic Association;

26           (iv) Holds specialty certification or a time-unlimited specialty certificate recognized by the  
27           American Board of Medical Specialties or the American Osteopathic Association's Bureau of  
28           Osteopathic Specialists;

29           (v) Possesses a full and unrestricted license to engage in the practice of medicine issued by  
30           a member board;

31           (vi) Has never been convicted, received adjudication, deferred adjudication, community  
32           supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;

1 (vii) Has never held a license authorizing the practice of medicine subjected to discipline  
2 by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to  
3 non-payment of fees related to a license;

4 (viii) Has never had a controlled substance license or permit suspended or revoked by a  
5 state or the United States Drug Enforcement Administration; and

6 (ix) Is not under active investigation by a licensing agency or law enforcement authority in  
7 any state, federal, or foreign jurisdiction.

8 (13) "Offense" means a felony, gross misdemeanor, or crime of moral turpitude.

9 (14) "Rule" means a written statement by the interstate commission promulgated pursuant  
10 to § 5-37.8-13 of the compact that is of general applicability, implements, interprets, or prescribes  
11 a policy or provision of the compact, or an organizational, procedural, or practice requirement of  
12 the interstate commission, and has the force and effect of statutory law in a member state, and  
13 includes the amendment, repeal, or suspension of an existing rule.

14 (15) "State" means any state, commonwealth, district, or territory of the United States.

15 (16) "State of principal license" means a member state where a physician holds a license  
16 to practice medicine and which has been designated as such by the physician for purposes of  
17 registration and participation in the compact.

18 **5-37.8-4. Eligibility.**

19 (a) A physician must meet the eligibility requirements as defined in § 5-37.8-3(11) to  
20 receive an expedited license under the terms and provisions of the compact.

21 (b) A physician who does not meet the requirements of § 5-37.8-3(11) may obtain a license  
22 to practice medicine in a member state if the individual complies with all laws and requirements,  
23 other than the compact, relating to the issuance of a license to practice medicine in that state.

24 **5-37.8-5. Designation of state principal license.**

25 (a) A physician shall designate a member state as the state of principal license for purposes  
26 of registration for expedited licensure through the compact if the physician possesses a full and  
27 unrestricted license to practice medicine in that state, and the state is:

28 (1) The state of primary residence for the physician; or

29 (2) The state where at least twenty-five percent (25%) of the practice of medicine occurs;

30 or

31 (3) The location of the physician's employer; or

32 (4) If no state qualifies under §§ 5-37.8-5(a)(1), (2), or (3), the state designated as state of  
33 residence for purpose of federal income tax.

1 (b) A physician may redesignate a member state as state of principal license at any time,  
2 as long as the state meets the requirements in § 5-37.8-5(a).

3 (c) The interstate commission is authorized to develop rules to facilitate redesignation of  
4 another member state as the state of principal license.

5 **5-37.8-6. Application and issuance of expedited licensure.**

6 (a) A physician seeking licensure through the compact shall file an application for an  
7 expedited license with the member board of the state selected by the physician as the state of  
8 principal license.

9 (b) Upon receipt of an application for an expedited license, the member board within the  
10 state selected as the state of principal license shall evaluate whether the physician is eligible for  
11 expedited licensure and issue a letter of qualification, verifying or denying the physician's  
12 eligibility, to the interstate commission.

13 (1) State qualifications, which include verification of medical education, graduate medical  
14 education, results of any medical or licensing examination, and other qualifications as determined  
15 by the interstate commission through rule, shall not be subject to additional primary source  
16 verification where already primary source verified by the state of principal license.

17 (2) The member board within the state selected as the state of principal license shall, in the  
18 course of verifying eligibility, perform a criminal background check of an applicant, including the  
19 use of the results of fingerprint or other biometric data checks compliant with the requirements of  
20 the Federal Bureau of Investigation, with the exception of federal employees who have suitability  
21 determination in accordance with U.S.C.F.R. § 731.202.

22 (3) Appeal on the determination of eligibility shall be made to the member state where the  
23 application was filed and shall be subject to the laws of that state.

24 (c) Upon verification in § 5-37.8-6(b), physicians eligible for an expedited license shall  
25 complete the registration process established by the interstate commission to receive a license in a  
26 member state selected pursuant to § 5-37.8-6(a), including the payment of any applicable fees.

27 (d) After receiving verification of eligibility under § 5-37.8-6(b) and any fees under § 5-  
28 37.8-6(c), a member board shall issue an expedited license to the physician. This license shall  
29 authorize the physician to practice medicine in the issuing state consistent with the medical practice  
30 act and all applicable laws and regulations of the issuing member board and member state.

31 (e) An expedited license shall be valid for a period consistent with the licensure period in  
32 the member state and in the same manner as required for other physicians holding a full and  
33 unrestricted license within the member state.

1       (f) An expedited license obtained through the compact shall be terminated if a physician  
2 fails to maintain a license in the state of principal licensure for a non-disciplinary reason, without  
3 redesignation of a new state of principal licensure.

4       (g) The interstate commission is authorized to develop rules regarding the application  
5 process, including payment of any applicable fees, and the issuance of an expedited license.

6       **5-37.8-7. Fees for expedited licensure.**

7       (a) A member state issuing an expedited license authorizing the practice of medicine in that  
8 state may impose a fee for a license issued or renewed through the compact.

9       (b) The interstate commission is authorized to develop rules regarding fees for expedited  
10 licenses.

11       **5-37.8-8. Renewal and continued participation.**

12       (a) A physician seeking to renew an expedited license granted in a member state shall  
13 complete a renewal process with the interstate commission if the physician:

14           (1) Maintains a full and unrestricted license in a state of principal license;

15           (2) Has not been convicted, received adjudication, deferred adjudication, community  
16 supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;

17           (3) Has not had a license authorizing the practice of medicine subject to discipline by a  
18 licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to  
19 nonpayment of fees related to a license; and

20           (4) Has not had a controlled substance license or permit suspended or revoked by a state  
21 or the United States Drug Enforcement Administration.

22       (b) Physicians shall comply with all continuing professional development or continuing  
23 medical education requirements for renewal of a license issued by a member state.

24       (c) The interstate commission shall collect any renewal fees charged for the renewal of a  
25 license and distribute the fees to the applicable member board.

26       (d) Upon receipt of any renewal fees collected in § 5-37.8-8(c), a member board shall renew  
27 the physician's license.

28       (e) Physician information collected by the interstate commission during the renewal  
29 process will be distributed to all member boards.

30       (f) The interstate commission is authorized to develop rules to address renewal of licenses  
31 obtained through the compact.

32       **5-37.8-9. Coordinated information system.**

33       (a) The interstate commission shall establish a database of all physicians licensed, or who  
34 have applied for licensure, under § 5-37.8-6.

1 (b) Notwithstanding any other provision of law, member boards shall report to the interstate  
2 commission any public action or complaints against a licensed physician who has applied or  
3 received an expedited license through the compact.

4 (c) Member boards shall report disciplinary or investigatory information determined as  
5 necessary and proper by rule of the interstate commission.

6 (d) Member boards may report any non-public complaint, disciplinary, or investigatory  
7 information not required by § 5-37.8-6(c) to the interstate commission.

8 (e) Member boards shall share complaint or disciplinary information about a physician  
9 upon request of another member board.

10 (f) All information provided to the interstate commission or distributed by member boards  
11 shall be confidential, filed under seal, and used only for investigatory or disciplinary matters.

12 (g) The interstate commission is authorized to develop rules for mandated or discretionary  
13 sharing of information by member boards.

14 **5-37.8-10. Joint investigations.**

15 (a) Licensure and disciplinary records of physicians are deemed investigative.

16 (b) In addition to the authority granted to a member board by its respective medical practice  
17 act or other applicable state law, a member board may participate with other member boards in  
18 joint investigations of physicians licensed by the member boards.

19 (c) A subpoena issued by a member state shall be enforceable in other member states.

20 (d) Member boards may share any investigative, litigation, or compliance materials in  
21 furtherance of any joint or individual investigation initiated under the compact.

22 (e) Any member state may investigate actual or alleged violations of the statutes  
23 authorizing the practice of medicine in any other member state in which a physician holds a license  
24 to practice medicine.

25 **5-37.8-11. Disciplinary actions.**

26 (a) Any disciplinary action taken by any member board against a physician licensed  
27 through the compact shall be deemed unprofessional conduct which may be subject to discipline  
28 by other member boards, in addition to any violation of the medical practice act or regulations in  
29 that state.

30 (b) If a license granted to a physician by the member board in the state of principal license  
31 is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all licenses issued  
32 to the physician by member boards shall automatically be placed, without further action necessary  
33 by any member board, on the same status. If the member board in the state of principal license  
34 subsequently reinstates the physician's license, a license issued to the physician by any other

member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the medical practice act of that state.

(c) If disciplinary action is taken against a physician by a member board not in the state of principal license, any other member board may deem the action conclusive as to matter of law and fact decided, and:

(1) impose the same or lesser sanction(s) against the physician so long as such sanctions are consistent with the medical practice act of that state; or

(2) Pursue separate disciplinary action against the physician under its respective medical practice act, regardless of the action taken in other member states.

(d) If a license granted to a physician by a member board is revoked, surrendered or relinquished in lieu of discipline, or suspended, then any license(s) issued to the physician by any other member board(s) shall be suspended, automatically and immediately without further action necessary by the other member board(s), for ninety (90) days upon entry of the order by the disciplining board, to permit the member board(s) to investigate the basis for the action under the medical practice act of that state. A member board may terminate the automatic suspension of the license it issued prior to the completion of the ninety (90) day suspension period in a manner consistent with the medical practice act of that state.

**5-37.8-12. Interstate medical licensure compact commission.**

(a) The member states hereby create the "Interstate Medical Licensure Compact commission".

(b) The purpose of the interstate commission is the administration of the interstate medical licensure compact, which is a discretionary state function.

(c) The interstate commission shall be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth in the compact, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of the compact.

(d) The interstate commission shall consist of two (2) voting representatives designated by each member state who shall serve as commissioners. In states where allopathic and osteopathic physicians are regulated by separate member boards, or if the licensing and disciplinary authority is split between multiple member boards within a member state, the member state shall appoint one representative from each member board. A commissioner shall be a(n):

(1) Allopathic or osteopathic physician appointed to a member board;

(2) Executive director, executive secretary, or similar executive of a member board; or

(3) Member of the public appointed to a member board.

1       (e) The interstate commission shall meet at least once each calendar year. A portion of this  
2 meeting shall be a business meeting to address such matters as may properly come before the  
3 commission, including the election of officers. The chairperson may call additional meetings and  
4 shall call for a meeting upon the request of a majority of the member states.

5       (f) The bylaws may provide for meetings of the interstate commission to be conducted by  
6 telecommunication or electronic communication.

7       (g) Each commissioner participating at a meeting of the interstate commission is entitled  
8 to one vote. A majority of commissioners shall constitute a quorum for the transaction of business,  
9 unless a larger quorum is required by the bylaws of the interstate commission. A commissioner  
10 shall not delegate a vote to another commissioner. In the absence of its commissioner, a member  
11 state may delegate voting authority for a specified meeting to another person from that state who  
12 shall meet the requirements of § 5-37.8-12(d).

13       (h) The interstate commission shall not be subject to the requirements of the Rhode Island  
14 Open Meetings Act, R.I. Gen. Laws §§ 42-46-1 et seq., but rather shall adhere to the requirements  
15 stated in this chapter. The interstate commission shall provide public notice of all meetings and all  
16 meetings shall be open to the public. The interstate commission may close a meeting, in full or in  
17 portion, where it determines by a two-thirds (2/3) vote of the commissioners present that an open  
18 meeting would be likely to:

19       (1) Relate solely to the internal personnel practices and procedures of the interstate  
20 commission;

21       (2) Discuss matters specifically exempted from disclosure by federal statute;

22       (3) Discuss trade secrets, commercial, or financial information that is privileged or  
23 confidential;

24       (4) Involve accusing a person of a crime, or formally censuring a person;

25       (5) Discuss information of a personal nature where disclosure would constitute a clearly  
26 unwarranted invasion of personal privacy;

27       (6) Discuss investigative records compiled for law enforcement purposes; or

28       (7) Specifically relate to the participation in a civil action or other legal proceeding.

29       (i) The interstate commission shall keep minutes which shall fully describe all matters  
30 discussed in a meeting and shall provide a full and accurate summary of actions taken, including  
31 record of any roll call votes.

32       (j) The interstate commission shall not be subject to the requirements of the Rhode Island  
33 Access to Public Records Act, R.I. Gen. Laws §§ 38-2-1 et seq., but rather shall adhere to the  
34 requirements stated in this chapter. The interstate commission shall make its information and



1 official records, to the extent not otherwise designated in the compact or by its rules, available to  
2 the public for inspection.

3 (k) The interstate commission shall establish an executive committee, which shall include  
4 officers, members, and others as determined by the bylaws. The executive committee shall have  
5 the power to act on behalf of the interstate commission, with the exception of rulemaking, during  
6 periods when the interstate commission is not in session. When acting on behalf of the interstate  
7 commission, the executive committee shall oversee the administration of the compact including  
8 enforcement and compliance with the provisions of the compact, its bylaws and rules, and other  
9 such duties as necessary.

10 (l) The interstate commission may establish other committees for governance and  
11 administration of the compact.

12 **5-37.8-13. Powers and duties of the interstate commission. --** The interstate commission  
13 shall have the duty and power to:

14 (1) Oversee and maintain the administration of the compact;

15 (2) Promulgate rules which shall be binding to the extent and in the manner provided for  
16 in the compact (such promulgation not being subject to the requirements of the Rhode Island  
17 Administrative Procedures Act, R.I. Gen. Laws §§ 42-35-1 *et seq.*, but rather adhering to the  
18 requirements stated in this chapter);

19 (3) Issue, upon the request of a member state or member board, advisory opinions  
20 concerning the meaning or interpretation of the compact, its bylaws, rules, and actions;

21 (4) Enforce compliance with compact provisions, the rules promulgated by the interstate  
22 commission, and the bylaws, using all necessary and proper means, including, but not limited to,  
23 the use of judicial process;

24 (5) Establish and appoint committees including, but not limited to, an executive committee  
25 as required by § 5-37.8-12, which shall have the power to act on behalf of the interstate commission  
26 in carrying out its powers and duties;

27 (6) Pay, or provide for the payment of the expenses related to the establishment,  
28 organization, and ongoing activities of the interstate commission;

29 (7) Establish and maintain one or more offices;

30 (8) Borrow, accept, hire, or contract for services of personnel;

31 (9) Purchase and maintain insurance and bonds;

32 (10) Employ an executive director who shall have such powers to employ, select or appoint  
33 employees, agents, or consultants, and to determine their qualifications, define their duties, and fix  
34 their compensation;

- 1           (11) Establish personnel policies and programs relating to conflicts of interest, rates of  
2           compensation, and qualifications of personnel;
- 3           (12) Accept donations and grants of money, equipment, supplies, materials and services,  
4           and to receive, utilize, and dispose of it in a manner consistent with the conflict of interest policies  
5           established by the interstate commission;
- 6           (13) Lease, purchase, accept contributions or donations of, or otherwise to own, hold,  
7           improve or use, any property, real, personal, or mixed;
- 8           (14) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any  
9           property, real, personal, or mixed;
- 10           (15) Establish a budget and make expenditures;
- 11           (16) Adopt a seal and bylaws governing the management and operation of the interstate  
12           commission;
- 13           (17) Report annually to the legislatures and governors of the member states concerning the  
14           activities of the interstate commission during the preceding year. Such reports shall also include  
15           reports of financial audits and any recommendations that may have been adopted by the interstate  
16           commission;
- 17           (18) Coordinate education, training, and public awareness regarding the compact, its  
18           implementation, and its operation;
- 19           (19) Maintain records in accordance with the bylaws;
- 20           (20) Seek and obtain trademarks, copyrights, and patents; and
- 21           (21) Perform such functions as may be necessary or appropriate to achieve the purposes of  
22           the compact.
- 23           **5-37.8-14. Finance powers.**
- 24           (a) The interstate commission may levy on and collect an annual assessment from each  
25           member state to cover the cost of the operations and activities of the interstate commission and its  
26           staff. The total assessment must be sufficient to cover the annual budget approved each year for  
27           which revenue is not provided by other sources. The aggregate annual assessment amount shall be  
28           allocated upon a formula to be determined by the interstate commission, which shall promulgate a  
29           rule binding upon all member states.
- 30           (b) The interstate commission shall not incur obligations of any kind prior to securing the  
31           funds adequate to meet the same.
- 32           (c) The interstate commission shall not pledge the credit of any of the member states, except  
33           by, and with the authority of, the member state.

1       (d) The interstate commission shall be subject to a yearly financial audit conducted by a  
2       certified or licensed public accountant and the report of the audit shall be included in the annual  
3       report of the interstate commission.

4       **5-37.8-15. Organization and operation of the interstate commission.**

5       (a) The interstate commission shall, by a majority of commissioners present and voting,  
6       adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of  
7       the compact within twelve (12) months of the first interstate commission meeting.

8       (b) The interstate commission shall elect or appoint annually from among its  
9       commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such  
10       authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's  
11       absence or disability, the vice-chairperson, shall preside at all meetings of the interstate  
12       commission.

13       (c) Officers selected in § 5-37.8-15(b) shall serve without remuneration from the interstate  
14       commission.

15       (d) The officers and employees of the interstate commission shall be immune from suit and  
16       liability, either personally or in their official capacity, for a claim for damage to or loss of property  
17       or personal injury or other civil liability caused or arising out of, or relating to, an actual or alleged  
18       act, error, or omission that occurred, or that such person had a reasonable basis for believing  
19       occurred, within the scope of interstate commission employment, duties, or responsibilities;  
20       provided that such person shall not be protected from suit or liability for damage, loss, injury, or  
21       liability caused by the intentional or willful and wanton misconduct of such person.

22       (1) The liability of the executive director and employees of the interstate commission or  
23       representatives of the interstate commission, acting within the scope of such person's employment  
24       or duties for acts, errors, or omissions occurring within such person's state, may not exceed the  
25       limits of liability set forth under the constitution and laws of that state for state officials, employees,  
26       and agents. The interstate commission is considered to be an instrumentality of the states for the  
27       purposes of any such action. Nothing in this subsection shall be construed to protect such person  
28       from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and  
29       wanton misconduct of such person.

30       (2) The interstate commission shall defend the executive director, its employees, and  
31       subject to the approval of the attorney general or other appropriate legal counsel of the member  
32       state represented by an interstate commission representative, shall defend such interstate  
33       commission representative in any civil action seeking to impose liability arising out of an actual or  
34       alleged act, error or omission that occurred within the scope of interstate commission employment,

1 duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within  
2 the scope of interstate commission employment, duties, or responsibilities, provided that the actual  
3 or alleged act, error, or omission did not result from intentional or willful and wanton misconduct  
4 on the part of such person.

5 (3) To the extent not covered by the state involved, member state, or the interstate  
6 commission, the representatives or employees of the interstate commission shall be held harmless  
7 in the amount of a settlement or judgment, including attorneys' fees and costs, obtained against  
8 such persons arising out of an actual or alleged act, error, or omission that occurred within the scope  
9 of interstate commission employment, duties, or responsibilities, or that such persons had a  
10 reasonable basis for believing occurred within the scope of interstate commission employment,  
11 duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result  
12 from intentional or willful and wanton misconduct on the part of such persons.

13 **5-37.8-16. Rulemaking functions of the interstate commission.**

14 (a) The interstate commission shall not be subject to the requirements of the Rhode Island  
15 Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 *et seq.*, but rather shall adhere to the  
16 requirements stated in this chapter. The interstate commission shall promulgate reasonable rules  
17 in order to effectively and efficiently achieve the purposes of the compact. Notwithstanding the  
18 foregoing, in the event the interstate commission exercises its rulemaking authority in a manner  
19 that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such  
20 an action by the interstate commission shall be invalid and have no force or effect.

21 (b) Rules deemed appropriate for the operations of the interstate commission shall be made  
22 pursuant to a rulemaking process that substantially conforms to the "model state administrative  
23 procedure act" of 2010, and subsequent amendments thereto.

24 (c) Not later than thirty (30) days after a rule is promulgated, any person may file a petition  
25 for judicial review of the rule in the United States District Court for the District of Columbia or the  
26 federal district where the interstate commission has its principal offices, provided that the filing of  
27 such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court  
28 finds that the petitioner has a substantial likelihood of success. The court shall give deference to  
29 the actions of the interstate commission consistent with applicable law and shall not find the rule  
30 to be unlawful if the rule represents a reasonable exercise of the authority granted to the interstate  
31 commission.

32 **5-37.8-17. Oversight of the interstate compact.**

33 (a) The executive, legislative, and judicial branches of state government in each member  
34 state shall enforce the compact and shall take all actions necessary and appropriate to effectuate the

1 compact's purposes and intent. Unless otherwise expressly stated herein, the provisions of the  
2 compact and the rules promulgated hereunder shall have standing as statutory law but shall not  
3 override existing state authority to regulate the practice of medicine.

4 (b) All courts shall take judicial notice of the compact and the rules in any judicial or  
5 administrative proceeding in a member state pertaining to the subject matter of the compact which  
6 may affect the powers, responsibilities or actions of the interstate commission.

7 (c) The interstate commission shall be entitled to receive all service of process in any such  
8 proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to  
9 provide service of process to the interstate commission shall render a judgment or order void as to  
10 the interstate commission, the compact, or promulgated rules.

11 **5-37.8-18. Enforcement of interstate compact.**

12 (a) The interstate commission, in the reasonable exercise of its discretion, shall enforce the  
13 provisions and rules of the compact.

14 (b) The interstate commission may, by majority vote of the commissioners, initiate legal  
15 action in the United States District Court for the District of Columbia, or, at the discretion of the  
16 interstate commission, in the federal district where the interstate commission has its principal  
17 offices, to enforce compliance with the provisions of the compact, and its promulgated rules and  
18 bylaws, against a member state in default. The relief sought may include both injunctive relief and  
19 damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all  
20 costs of such litigation including reasonable attorney's fees.

21 (c) The remedies herein shall not be the exclusive remedies of the interstate commission.  
22 The interstate commission may avail itself of any other remedies available under state law or the  
23 regulation of a profession.

24 **5-37.8-19. Default procedures.**

25 (a) The grounds for default include, but are not limited to, failure of a member state to  
26 perform such obligations or responsibilities imposed upon it by the compact, or the rules and bylaws  
27 of the interstate commission promulgated under the compact.

28 (b) If the interstate commission determines that a member state has defaulted in the  
29 performance of its obligations or responsibilities under the compact, or the bylaws or promulgated  
30 rules, the interstate commission shall:

31 (1) Provide written notice to the defaulting state and other member states, of the nature of  
32 the default, the means of curing the default, and any action taken by the interstate commission. The  
33 interstate commission shall specify the conditions by which the defaulting state must cure its  
34 default; and

1           (2) Provide remedial training and specific technical assistance regarding the default.

2           (c) If the defaulting state fails to cure the default, the defaulting state shall be terminated  
3 from the compact upon an affirmative vote of a majority of the commissioners and all rights,  
4 privileges, and benefits conferred by the compact shall terminate on the effective date of  
5 termination. A cure of the default does not relieve the offending state of obligations or liabilities  
6 incurred during the period of the default.

7           (d) Termination of membership in the compact shall be imposed only after all other means  
8 of securing compliance have been exhausted. Notice of intent to terminate shall be given by the  
9 interstate commission to the governor, the speaker, the senate president and minority leaders of the  
10 defaulting state's legislature, and each of the member states.

11           (e) The interstate commission shall establish rules and procedures to address licenses and  
12 physicians that are materially impacted by the termination of a member state, or the withdrawal of  
13 a member state.

14           (f) The member state which has been terminated is responsible for all dues, obligations,  
15 and liabilities incurred through the effective date of termination including obligations, the  
16 performance of which extends beyond the effective date of termination.

17           (g) The interstate commission shall not bear any costs relating to any state that has been  
18 found to be in default or which has been terminated from the compact, unless otherwise mutually  
19 agreed upon in writing between the interstate commission and the defaulting state.

20           (h) The defaulting state may appeal the action of the interstate commission by petitioning  
21 the United States District Court for the District of Columbia or the federal district where the  
22 interstate commission has its principal offices. The prevailing party shall be awarded all costs of  
23 such litigation including reasonable attorney's fees.

24           **5-37.8-20. Dispute resolution.**

25           (a) The interstate commission shall attempt, upon the request of a member state, to resolve  
26 disputes which are subject to the compact and which may arise among member states or member  
27 boards.

28           (b) The interstate commission shall promulgate rules providing for both mediation and  
29 binding dispute resolution as appropriate.

30           **5-37.8-21. Member states, effective date and amendment.**

31           (a) Any state is eligible to become a member state of the compact.

32           (b) The compact shall become effective and binding upon legislative enactment of the  
33 compact into law by no less than seven (7) states. Thereafter, it shall become effective and binding  
34 on a state upon enactment of the compact into law by that state.

1       (c) The governors of non-member states, or their designees, shall be invited to participate  
2 in the activities of the interstate commission on a non-voting basis prior to adoption of the compact  
3 by all states.

4       (d) The interstate commission may propose amendments to the compact for enactment by  
5 the member states. No amendment shall become effective and binding upon the interstate  
6 commission and the member states unless and until it is enacted into law by unanimous consent of  
7 the member states.

8       **5-37.8-22. Withdrawal.**

9       (a) Once effective, the compact shall continue in force and remain binding upon each and  
10 every member state; provided that a member state may withdraw from the compact by specifically  
11 repealing the statute which enacted the compact into law.

12       (b) Withdrawal from the compact shall be by the enactment of a statute repealing the same,  
13 but shall not take effect until one year after the effective date of such statute and until written notice  
14 of the withdrawal has been given by the withdrawing state to the governor of each other member  
15 state.

16       (c) The withdrawing state shall immediately notify the chairperson of the interstate  
17 commission in writing upon the introduction of legislation repealing the compact in the  
18 withdrawing state.

19       (d) The interstate commission shall notify the other member states of the withdrawing  
20 state's intent to withdraw within sixty (60) days of its receipt of notice provided under § 5-  
21 37.822(c).

22       (e) The withdrawing state is responsible for all dues, obligations and liabilities incurred  
23 through the effective date of withdrawal, including obligations, the performance of which extend  
24 beyond the effective date of withdrawal.

25       (f) Reinstatement following withdrawal of a member state shall occur upon the  
26 withdrawing state reenacting the compact or upon such later date as determined by the interstate  
27 commission.

28       (g) The interstate commission is authorized to develop rules to address the impact of the  
29 withdrawal of a member state on licenses granted in other member states to physicians who  
30 designated the withdrawing member state as the state of principal license.

31       **5-37.8-23. Dissolution.**

32       (a) The compact shall dissolve effective upon the date of the withdrawal or default of the  
33 member state which reduces the membership in the compact to one member state.

1 (b) Upon the dissolution of the compact, the compact becomes null and void and shall be  
2 of no further force or effect, and the business and affairs of the interstate commission shall be  
3 concluded and surplus funds shall be distributed in accordance with the bylaws.

4 **5-37.8-24. Severability and construction.**

5 (a) The provisions of the compact shall be severable, and if any phrase, clause, sentence,  
6 or provision is deemed unenforceable, the remaining provisions of the compact shall be  
7 enforceable.

8 (b) The provisions of the compact shall be liberally construed to effectuate its purposes.

9 (c) Nothing in the compact shall be construed to prohibit the applicability of other  
10 interstate compacts to which the states are members.

11 **5-37.8-25. Binding effect of compact and other laws.**

12 (a) Nothing herein prevents the enforcement of any other law of a member state that is not  
13 inconsistent with the compact.

14 (b) All laws in a member state in conflict with the compact are superseded to the extent  
15 of the conflict.

16 (c) All lawful actions of the interstate commission, including all rules and bylaws  
17 promulgated by the commission, are binding upon the member states.

18 (d) All agreements between the interstate commission and the member states are binding  
19 in accordance with their terms.

20 (e) In the event any provision of the compact exceeds the constitutional limits imposed on  
21 the legislature of any member state, such provision shall be ineffective to the extent of the conflict  
22 with the constitutional provision in question in that member state.

23 SECTION 2. Chapter 5-34.3 of the General Laws entitled "Nurse Licensure Compact" is  
24 hereby amended by adding thereto the following sections:

25 **5-34.3-10.1. Rulemaking.**

26 (a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth  
27 in this section and the rules adopted thereunder. The commission shall not be subject to the  
28 requirements of the Rhode Island Administrative Procedures Act, R.I. Gen. Laws §§ 42-35-1 *et*  
29 *seq.*, but rather shall adhere to the requirements stated in this chapter. Rules and amendments shall  
30 become binding as of the date specified in each rule or amendment and shall have the same force  
31 and effect as provisions of this compact.

32 (b) Rules or amendments to the rules shall be adopted at a regular or special meeting of the  
33 commission.



1           (c) Prior to promulgation and adoption of a final rule or rules by the commission, and at  
2 least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon,  
3 the commission shall file a notice of proposed rulemaking:  
4           (1) On the website of the commission; and  
5           (2) On the website of each licensing board or the publication in which each state would  
6 otherwise publish proposed rules.  
7           (d) The notice of proposed rulemaking shall include:  
8           (1) The proposed time, date and location of the meeting in which the rule will be  
9 considered and voted upon;  
10           (2) The text of the proposed rule or amendment, and the reason for the proposed rule;  
11           (3) A request for comments on the proposed rule from any interested person; and  
12           (4) The manner in which interested persons may submit notice to the commission of their  
13 intention to attend the public hearing and any written comments.  
14           (e) Prior to adoption of a proposed rule, the commission shall allow persons to submit  
15 written data, facts, opinions and arguments, which shall be made available to the public.  
16           (f) The commission shall grant an opportunity for a public hearing before it adopts a rule  
17 or amendment.  
18           (g) The commission shall publish the place, time and date of the scheduled public hearing.  
19           (1) Hearings shall be conducted in a manner providing each person who wishes to comment  
20 a fair and reasonable opportunity to comment orally or in writing. All hearings will be recorded,  
21 and a copy will be made available upon request.  
22           (2) Nothing in this section shall be construed as requiring a separate hearing on each rule.  
23 Rules may be grouped for the convenience of the commission at hearings required by this section.  
24           (h) If no one appears at the public hearing, the commission may proceed with promulgation  
25 of the proposed rule.  
26           (i) Following the scheduled hearing date, or by the close of business on the scheduled  
27 hearing date if the hearing was not held, the commission shall consider all written and oral  
28 comments received.  
29           (j) The commission shall, by majority vote of all administrators, take final action on the  
30 proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking  
31 record and the full text of the rule.  
32           (k) Upon determination that an emergency exists, the commission may consider and adopt  
33 an emergency rule without prior notice, opportunity for comment or hearing, provided that the  
34 usual rulemaking procedures provided in this compact and in this section shall be retroactively

1 applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the  
2 effective date of the rule. For the purposes of this provision, an emergency rule is one that must be  
3 adopted immediately in order to:

4 (1) Meet an imminent threat to public health, safety or welfare;

5 (2) Prevent a loss of commission or party state funds; or

6 (3) Meet a deadline for the promulgation of an administrative rule that is required by  
7 federal law or rule.

8 (l) The commission may direct revisions to a previously adopted rule or amendment for  
9 purposes of correcting typographical errors, errors in format, errors in consistency or grammatical  
10 errors. Public notice of any revisions shall be posted on the website of the commission. The revision  
11 shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision  
12 may be challenged only on grounds that the revision results in a material change to a rule. A  
13 challenge shall be made in writing, and delivered to the commission, prior to the end of the notice  
14 period. If no challenge is made, the revision will take effect without further action. If the revision  
15 is challenged, the revision may not take effect without the approval of the commission.

16 **5-34.3-11.1. Oversight, dispute resolution and enforcement.**

17 (a) Oversight.

18 (1) Each party state shall enforce this compact and take all actions necessary and  
19 appropriate to effectuate this compact's purposes and intent.

20 (2) The commission shall be entitled to receive service of process in any proceeding that  
21 may affect the powers, responsibilities or actions of the commission, and shall have standing to  
22 intervene in such a proceeding for all purposes. Failure to provide service of process in such  
23 proceeding to the commission shall render a judgment or order void as to the commission, this  
24 compact or promulgated rules.

25 (b) Default, technical assistance and termination.

26 (1) If the commission determines that a party state has defaulted in the performance of its  
27 obligations or responsibilities under this compact or the promulgated rules, the commission shall:

28 (i) Provide written notice to the defaulting state and other party states of the nature of the  
29 default, the proposed means of curing the default or any other action to be taken by the commission;  
30 and

31 (ii) Provide remedial training and specific technical assistance regarding the default;

32 (2) If a state in default fails to cure the default, the defaulting state's membership in this  
33 compact may be terminated upon an affirmative vote of a majority of the administrators, and all  
34 rights, privileges and benefits conferred by this compact may be terminated on the effective date

1 of termination. A cure of the default does not relieve the offending state of obligations or liabilities  
2 incurred during the period of default;

3 (3) Termination of membership in this compact shall be imposed only after all other means  
4 of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given  
5 by the commission to the governor of the defaulting state and to the executive officer of the  
6 defaulting state's licensing board and each of the party states;

7 (4) A state whose membership in this compact has been terminated is responsible for all  
8 assessments, obligations and liabilities incurred through the effective date of termination, including  
9 obligations that extend beyond the effective date of termination;

10 (5) The commission shall not bear any costs related to a state that is found to be in default  
11 or whose membership in this compact has been terminated unless agreed upon in writing between  
12 the commission and the defaulting state;

13 (6) The defaulting state may appeal the action of the commission by petitioning the U.S.  
14 District Court for the District of Columbia or the federal district in which the commission has its  
15 principal offices. The prevailing party shall be awarded all costs of such litigation, including  
16 reasonable attorneys' fees.

17 (c) Dispute Resolution.

18 (1) Upon request by a party state, the commission shall attempt to resolve disputes related  
19 to the compact that arise among party states and between party and non-party states;

20 (2) The commission shall promulgate a rule providing for both mediation and binding  
21 dispute resolution for disputes, as appropriate;

22 (3) In the event the commission cannot resolve disputes among party states arising under  
23 this compact:

24 (i) The party states may submit the issues in dispute to an arbitration panel, which will be  
25 comprised of individuals appointed by the compact administrator in each of the affected party states  
26 and an individual mutually agreed upon by the compact administrators of all the party states  
27 involved in the dispute;

28 (ii) The decision of a majority of the arbitrators shall be final and binding.

29 (d) Enforcement.

30 (1) The commission, in the reasonable exercise of its discretion, shall enforce the  
31 provisions and rules of this compact;

32 (2) By majority vote, the commission may initiate legal action in the U.S. District Court  
33 for the District of Columbia or the federal district in which the commission has its principal offices  
34 against a party state that is in default to enforce compliance with the provisions of this compact and

its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages.  
In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of  
such litigation, including reasonable attorneys' fees:

(3) The remedies herein shall not be the exclusive remedies of the commission. The  
commission may pursue any other remedies available under federal or state law.

SECTION 3. Sections 5-34.3-3, 5-34.3-4, 5-34.3-5, 5-34.3-6, 5-34.3-8, 5-34.3-9, 5-34.310,  
5-34.3-12 and 5-34.3-14 of the General Laws in Chapter 5-34.3 entitled "Nurse Licensure  
Compact" are hereby amended to read as follows:

**5-34.3-3. Legislative findings.**

(a) The general assembly finds and declares that:

(1) The health and safety of the public are affected by the degree of compliance with and  
the effectiveness of enforcement activities related to state nurse licensure laws;

(2) Violations of nurse licensure and other laws regulating the practice of nursing may  
result in injury or harm to the public;

(3) The expanded mobility of nurses and the use of advanced communication technologies  
as part of our nation's healthcare delivery system require greater coordination and cooperation  
among states in the areas of nurse licensure and regulations;

(4) New practice modalities and technology make compliance with individual state nurse  
licensure laws difficult and complex; ~~and~~

(5) The current system of duplicative licensure for nurses practicing in multiple states is  
cumbersome and redundant to both nurses and states; ~~and~~

(6) Uniformity of nurse licensure requirements throughout the states promotes public safety  
and public health benefits.

(b) The general purposes of this compact are to:

(1) Facilitate the states' responsibility to protect the public's health and safety;

(2) Ensure and encourage the cooperation of party states in the areas of nurse licensure and  
regulation;

(3) Facilitate the exchange of information between party states in the areas of nurse  
regulation, investigation and adverse actions;

(4) Promote compliance with the laws governing the practice of nursing in each  
jurisdiction; ~~and~~

(5) Invest all party states with the authority to hold a nurse accountable for meeting all state  
practice laws in the state in which the patient is located at the time care is rendered through the  
mutual recognition of party state licenses; ~~and~~

- 1 (6) Decrease redundancies in the consideration and issuance of nurse licenses; and  
2 (7) Provide opportunities for interstate practice by nurses who meet uniform licensure  
3 requirements.

4 **5-34.3-4. Definitions.**

5 As used in this chapter:

6 (1) "Adverse action" means ~~a home or remote state action.~~ any administrative, civil,  
7 equitable or criminal action permitted by a state's laws which is imposed by a licensing board or  
8 other authority against a nurse, including actions against an individual's license or multistate  
9 licensure privilege such as revocation, suspension, probation, monitoring of the licensee, limitation  
10 on the licensee's practice, or any other encumbrance on licensure affecting a nurse's authorization  
11 to practice, including issuance of a cease and desist action.

12 (2) "Alternative program" means a voluntary, nondisciplinary monitoring program  
13 approved by a nurse licensing board.

14 (3) "Commission" means the interstate commission of nurse license compact  
15 administrators, the governing body of the nurse licensure compact.

16 ~~(3)~~(4) "Coordinated licensure information system" means an integrated process for  
17 collecting, storing, and sharing information on nurse licensure and enforcement activities related  
18 to nurse licensure laws, which is administered by a nonprofit organization composed of and  
19 controlled by state nurse licensing boards.

20 ~~(4)~~(5) "Current significant investigative information" means investigative information that  
21 a licensing board, after a preliminary inquiry that includes notification and an opportunity for the  
22 nurse to respond if required by state law, has reason to believe is not groundless and, if proved true,  
23 would indicate more than a minor infraction; or investigative information that indicates that the  
24 nurse represents an immediate threat to public health and safety regardless of whether the nurse has  
25 been notified and had an opportunity to respond.

26 (6) "Encumbrance" means a revocation or suspension of, or any limitation on, the full and  
27 unrestricted practice of nursing imposed by a licensing board.

28 ~~(5)~~(7) "Home state" means the party state which is the nurse's primary state of residence.

29 ~~(6)~~(8) "Home state action" means any administrative, civil, equitable, or criminal action  
30 permitted by the home state's laws which are imposed on a nurse by the home state's licensing  
31 board or other authority including actions against an individual's license such as: revocation,  
32 suspension, probation or any other action which affects a nurse's authorization to practice.

33 ~~(7)~~(9) "Licensing board" means a party state's regulatory body responsible for issuing nurse  
34 licenses.

1           ~~(8)~~(10) "Multistate licensure ~~privilege~~" means ~~current, official authority from a remote~~  
2 ~~state permitting the practice of nursing as either a registered nurse or a licensed practical/vocational~~  
3 ~~nurse in such party state. All party states have the authority, in accordance with existing state due~~  
4 ~~process law, to take actions against the nurse's privilege such as: revocation, suspension, probation~~  
5 ~~or any other action which affects a nurse's authorization to practice. a license to practice as a~~  
6 ~~registered nurse (RN) or a licensed practical nurse/vocational nurse (LPN/VN) issued by a home~~  
7 ~~state licensing board that authorizes the licensed nurse to practice in all party states under a~~  
8 ~~multistate licensure privilege.~~

9           (11) "Multistate licensure privilege" means a legal authorization associated with a  
10 multistate license permitting the practice of nursing as either a registered nurse (RN) or licensed  
11 practical nurse/vocational nurse (LPN/VN) in a remote state.

12           ~~(9)~~(12) "Nurse" means a registered nurse or licensed practical/vocational nurse, as those  
13 terms are defined by each party's state practice laws.

14           ~~(10)~~(13) "Party state" means any state that has adopted this compact.

15           ~~(11)~~(14) "Remote state" means a party state, other than the home state, ~~where the patient~~  
16 ~~is located at the time nursing care is provided, or, in the case of the practice of nursing not involving~~  
17 ~~a patient, in such party state where the recipient of nursing practice is located.~~

18           ~~(12)~~(15) "Remote state action" means any administrative, civil, equitable or criminal action  
19 permitted by a remote state's laws which are imposed on a nurse by the remote state's licensing  
20 board or other authority including actions against an individual's multistate licensure privilege to  
21 practice in the remote state, and cease and desist and other injunctive or equitable orders issued by  
22 remote states or the licensing boards thereof.

23           (16) "Single-state license" means a nurse license issued by a party state that authorizes  
24 practice only within the issuing state and does not include a multistate licensure privilege to practice  
25 in any other party state.

26           ~~(13)~~(17) "State" means a state, territory, or possession of the United States, the District of  
27 Columbia.

28           ~~(14)~~(18) "State practice laws" means those individual party's state laws and regulations that  
29 govern the practice of nursing, define the scope of nursing practice, and create the methods and  
30 grounds for imposing discipline. It does not include the initial qualifications for licensure or  
31 requirements necessary to obtain and retain a license, except for qualifications or requirements of  
32 the home state.

33           **5-34.3-5. Permitted activities and jurisdiction. General provisions and jurisdiction.**

1 ~~A license to practice registered nursing issued by a home state to a resident in that state~~  
2 ~~will be recognized by each party state as authorizing a multistate licensure privilege to practice as~~  
3 ~~a registered nurse in such party state. A license to practice licensed practical/vocational nursing~~  
4 ~~issued by a home state to a resident in that state will be recognized by each party state as authorizing~~  
5 ~~a multistate licensure privilege to practice as a licensed practical/vocational nurse in such party~~  
6 ~~state. In order to obtain or retain a license, an applicant must meet the home state's qualifications~~  
7 ~~for licensure and license renewal as well as all other applicable state laws.~~

8 ~~Party states may, in accordance with state due process laws, limit or revoke the multistate~~  
9 ~~licensure privilege of any nurse to practice in their state and may take any other actions under their~~  
10 ~~applicable state laws necessary to protect the health and safety of their citizens. If a party state takes~~  
11 ~~such action, it shall promptly notify the administrator of the coordinated licensure information~~  
12 ~~system. The administrator of the coordinated licensure information system shall promptly notify~~  
13 ~~the home state of any such actions by remote states.~~

14 ~~Every nurse practicing in a party state must comply with the state practice laws of the state~~  
15 ~~in which the patient is located at the time care is rendered. In addition, the practice of nursing is not~~  
16 ~~limited to patient care, but shall include all nursing practice as defined by the state practice laws of~~  
17 ~~a party state. The practice of nursing will subject a nurse to the jurisdiction of the nurse licensing~~  
18 ~~board and courts, as well as the laws, in that party state.~~

19 ~~This compact does not affect additional requirements imposed by states for advanced~~  
20 ~~practice registered nursing. However, a multistate licensure privilege to practice registered nursing~~  
21 ~~granted by a party shall be recognized by other party states as a license to practice registered nursing~~  
22 ~~if one is required by state law as a precondition for qualifying for advanced practice registered~~  
23 ~~nurse authorization.~~

24 ~~Individuals not residing in a party state shall continue to be able to apply for nurse licensure~~  
25 ~~as provided for under the laws of each party state. However, the license granted to these individuals~~  
26 ~~will not be recognized as granting the privilege to practice nursing in any other party~~  
27 ~~state unless explicitly agreed to by that party state.~~

28 (a) A multistate license to practice registered or licensed practical nursing/vocational  
29 nursing issued by a home state to a resident in that state will be recognized by each party state as  
30 authorizing a nurse to practice as a registered nurse (RN) or as a licensed practical nurse/vocational  
31 nurse (LPN/VN), under a multistate licensure privilege, in each party state.

32 (b) A state must implement procedures for considering the criminal history records of  
33 applicants for initial multistate license or licensure by endorsement. Such procedures shall include  
34 the submission of fingerprints or other biometric-based information by applicants for the purpose

1 of obtaining an applicant's criminal history record information from the Federal Bureau of  
2 Investigation, and the agency responsible for retaining that state's criminal records.

3 (c) Each party state shall require the following for an applicant to obtain or retain a  
4 multistate license in the home state:

5 (1) Meets the home state's qualifications for licensure or renewal of licensure, as well as  
6 all other applicable state laws;

7 (2)(i) Has graduated or is eligible to graduate from a licensing board-approved RN or  
8 LPN/VN prelicensure education program; or

9 (ii) Has graduated from a foreign RN or LPN/VN prelicensure education program that:

10 (A) Has been approved by the authorized accrediting body in the applicable country; and

11 (B) Has been verified by an independent credentials review agency to be comparable to a  
12 licensing board-approved prelicensure education program;

13 (3) Has, if a graduate of a foreign prelicensure education program not taught in English or  
14 if English is not the individual's native language, successfully passed an English proficiency  
15 examination that includes the components of reading, speaking, writing and listening;

16 (4) Has successfully passed an NCLEX-RN® or NCLEX-PN® Examination or recognized  
17 predecessor, as applicable;

18 (5) Is eligible for or holds an active, unencumbered license;

19 (6) Has submitted, in connection with an application for initial licensure or licensure by  
20 endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history  
21 record information from the Federal Bureau of Investigation and the agency responsible for  
22 retaining that state's criminal records;

23 (7) Has not been convicted or found guilty nor entered into an agreed disposition of a felony  
24 offense under applicable state or federal criminal law;

25 (8) Has not been convicted or found guilty nor entered into an agreed disposition of a  
26 misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;

27 (9) Is not currently enrolled in an alternative program;

28 (10) Is subject to self-disclosure requirements regarding current participation in an  
29 alternative program; and

30 (11) Has a valid United States Social Security number.

31 (d) All party states shall be authorized, in accordance with existing state due process law,  
32 to take adverse action against a nurse's multistate licensure privilege such as revocation, suspension,  
33 probation or any other action that affects a nurse's authorization to practice under a multistate  
34 licensure privilege, including cease and desist actions. If a party state takes such action, it shall



1 promptly notify the administrator of the coordinated licensure information system. The  
2 administrator of the coordinated licensure information system shall promptly notify the home state  
3 of any such actions by remote states.

4 (e) A nurse practicing in a party state must comply with the state practice laws of the state  
5 in which the client is located at the time service is provided. The practice of nursing is not limited  
6 to patient care, but shall include all nursing practice as defined by the state practice laws of the  
7 party state in which the client is located. The practice of nursing in a party state under a multistate  
8 licensure privilege will subject a nurse to the jurisdiction of the licensing board, the courts and the  
9 laws of the party state in which the client is located at the time service is provided.

10 (f) Individuals not residing in a party state shall continue to be able to apply for a party  
11 state's single-state license as provided under the laws of each party state. However, the singlestate  
12 license granted to these individuals will not be recognized as granting the privilege to practice  
13 nursing in any other party state. Nothing in this compact shall affect the requirements established  
14 by a party state for the issuance of a single-state license.

15 (g) Any nurse holding a home state multistate license, on the effective date of this compact,  
16 may retain and renew the multistate license issued by the nurse's then-current home state, provided  
17 that:

18 (1) A nurse, who changes primary state of residence after this compact's effective date,  
19 must meet all applicable requirements to obtain a multistate license from a new home state; and

20 (2) A nurse who fails to satisfy the multistate licensure requirements due to a disqualifying  
21 event occurring after this compact's effective date shall be ineligible to retain or renew a multistate  
22 license, and the nurse's multistate license shall be revoked or deactivated in accordance with  
23 applicable rules adopted by the commission.

24 **5-34.3-6. Applications for licensure in a party state.**

25 ~~(a) Upon application for a license, the licensing board in a party state shall ascertain,~~  
26 ~~through the coordinated licensure information system, whether the applicant has ever held, or is the~~  
27 ~~holder of, a license issued by any other state, whether there are any restrictions on the multistate~~  
28 ~~licensure privilege, and whether any other adverse action by any state has been taken against the~~  
29 ~~license.~~

30 ~~(b) A nurse in a party state shall hold licensure in only one party state at a time, issued by~~  
31 ~~the home state.~~

32 ~~(c) A nurse who intends to change primary state of residence may apply for licensure in~~  
33 ~~the new home state in advance of such change. However, new licenses will not be issued by a party~~

~~state until after a nurse provides evidence of change in primary state of residence satisfactory to the new home state's licensing board.~~

~~(d) When a nurse changes primary state of residence by;~~

~~(1) Moving between two party states, and obtains a license from the new home state, the license from the former home state is no longer valid;~~

~~(2) Moving from a non party state to a party state, and obtains a license from the new home state, the individual state license issued by the non party state is not affected and will remain in full force if so provided by the laws of the non party state;~~

~~(3) Moving from a party state to a non party state, the license issued by the prior home state converts to an individual state license, valid only in the former home state, without the multistate licensure privilege to practice in other party states.~~

(a) Upon application for a multistate license, the licensing board in the issuing party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant, whether any adverse action has been taken against any license or multistate licensure privilege held by the applicant and whether the applicant is currently participating in an alternative program.

(b) A nurse may hold a multistate license, issued by the home state, in only one party state at a time.

(c) If a nurse changes primary state of residence by moving between two (2) party states, the nurse must apply for licensure in the new home state, and the multistate license issued by the prior home state will be deactivated in accordance with applicable rules adopted by the commission.

(1) The nurse may apply for licensure in advance of a change in primary state of residence.

(2) A multistate license shall not be issued by the new home state until the nurse provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a multistate license from the new home state.

(d) If a nurse changes primary state of residence by moving from a party state to a nonparty state, the multistate license issued by the prior home state will convert to a single-state license, valid only in the former home state.

#### **5-34.3-8. Additional authorities invested in party state nurse licensing boards.**

(a) Notwithstanding any other powers conferred by state law, party state nurse licensing boards shall have the authority to:

~~(1) If otherwise, permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse;~~

1 ~~(2) Issue subpoenas for both hearings and investigations which require the attendance and~~  
2 ~~testimony of witnesses, and the production of evidence. Subpoenas issued by a nurse licensing~~  
3 ~~board in a party state for the attendance and testimony of witnesses, and/or the production of~~  
4 ~~evidence from another party state, shall be enforced in the latter state by any court of competent~~  
5 ~~jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in~~  
6 ~~proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses,~~  
7 ~~mileage and other fees required by the service statutes of the state where the witnesses and/or~~  
8 ~~evidence are located.~~

9 ~~(3) Issue cease and desist orders to limit or revoke a nurse's authority to practice in their~~  
10 ~~state;~~

11 ~~(4) Promulgate uniform rules and regulations as provided for in subsection 5-34.3-10(e).~~

12 (1) Take adverse action against a nurse's multistate licensure privilege to practice within  
13 that party state.

14 (i) Only the home state shall have the power to take adverse action against a nurse's license  
15 issued by the home state.

16 (ii) For purposes of taking adverse action, the home state licensing board shall give the  
17 same priority and effect to reported conduct received from a remote state as it would if such conduct  
18 had occurred within the home state. In so doing, the home state shall apply its own state laws to  
19 determine appropriate action.

20 (2) Issue cease and desist orders or impose an encumbrance on a nurse's authority to  
21 practice within that party state.

22 (3) Complete any pending investigations of a nurse who changes primary state of residence  
23 during the course of such investigations. The licensing board shall also have the authority to take  
24 appropriate action(s) and shall promptly report the conclusions of such investigations to the  
25 administrator of the coordinated licensure information system. The administrator of the coordinated  
26 licensure information system shall promptly notify the new home state of any such actions.

27 (4) Issue subpoenas for both hearings and investigations that require the attendance and  
28 testimony of witnesses, as well as, the production of evidence. Subpoenas issued by a licensing  
29 board in a party state for the attendance and testimony of witnesses or the production of evidence  
30 from another party state shall be enforced in the latter state by any court of competent jurisdiction,  
31 according to the practice and procedure of that court applicable to subpoenas issued in proceedings  
32 pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and  
33 other fees required by the service statutes of the state in which the witnesses or evidence are located.

1           (5) Obtain and submit, for each nurse licensure applicant, fingerprint or other biometric-  
2 based information to the Federal Bureau of Investigation for criminal background checks, receive  
3 the results of the Federal Bureau of Investigation record search on criminal background checks and  
4 use the results in making licensure decisions.

5           (6) If otherwise permitted by state law, recover from the affected nurse the costs of  
6 investigations and disposition of cases resulting from any adverse action taken against that nurse.

7           (7) Take adverse action based on the factual findings of the remote state, provided that the  
8 licensing board follows its own procedures for taking such adverse action.

9           (b) If adverse action is taken by the home state against a nurse's multistate license, the  
10 nurse's multistate licensure privilege to practice in all other party states shall be deactivated until  
11 all encumbrances have been removed from the multistate license. All home state disciplinary orders  
12 that impose adverse action against a nurse's multistate license shall include a statement that the  
13 nurse's multistate licensure privilege is deactivated in all party states during the pendency of the  
14 order.

15           (c) Nothing in this compact shall override a party state's decision that participation in an  
16 alternative program may be used in lieu of adverse action. The home state licensing board shall  
17 deactivate the multistate licensure privilege under the multistate license of any nurse for the  
18 duration of the nurse's participation in an alternative program.

19           **5-34.3-9. ~~Coordinated licensure information system~~ Coordinated licensure**  
20 **information system and exchange of information.**

21           (a) All party states shall participate in a ~~cooperative effort to create a~~ coordinated ~~data base~~  
22 licensure information system of all licensed registered nurses (RNs) and licensed practical  
23 nurses/vocational nurses (LPNs/VNs). This system will include information on the licensure and  
24 disciplinary history of each nurse, as ~~contributed~~ submitted by party states, to assist in the  
25 coordination of nurse licensure and enforcement efforts.

26           (b) ~~Notwithstanding any other provision of law, all party states' licensing boards shall~~  
27 ~~promptly report adverse actions, actions against multistate licensure privileges, any current~~  
28 ~~significant investigative information yet to result in adverse action, denials of applications, and the~~  
29 ~~reasons for such denials, to the coordinated licensure information system.~~ The commission, in  
30 consultation with the administrator of the coordinated licensure information system, shall formulate  
31 necessary and proper procedures for the identification, collection and exchange of information  
32 under this compact.

33           (c) All licensing boards shall promptly report to the coordinated licensure information  
34 system any adverse action, any current significant investigative information, denials of applications

1 (with the reasons for such denials) and nurse participation in alternative programs known to the  
2 licensing board regardless of whether such participation is deemed nonpublic or confidential under  
3 state law.

4 ~~(e)~~(d) Current significant investigative information and participation in nonpublic or  
5 confidential alternative programs shall be transmitted through the coordinated licensure  
6 information system only to party state licensing boards.

7 ~~(d)~~(e) Notwithstanding any other provision of law, all party states' licensing boards  
8 contributing information to the coordinated licensure information system may designate  
9 information that may not be shared with non-party states or disclosed to other entities or individuals  
10 without the express permission of the contributing state.

11 ~~(e)~~(f) Any personally identifiable information obtained from the coordinated licensure  
12 information system by a party state's licensing board shall ~~from the coordinated licensure~~  
13 ~~information system may~~ not be shared with non-party states or disclosed to other entities or  
14 individuals except to the extent permitted by the laws of the party state contributing the information.

15 ~~(f)~~(g) Any information contributed to the coordinated licensure information system that is  
16 subsequently required to be expunged by the laws of the party state contributing that information,  
17 shall also be expunged from the coordinated licensure information system.

18 ~~(g) The compact administrators, acting jointly with each other and in consultation with the~~  
19 ~~administrator of the coordinated licensure information system, shall formulate necessary and proper~~  
20 ~~procedures for the identification, collection and exchange of information under this compact.~~

21 (h) The compact administrator of each party state shall furnish a uniform data set to the  
22 compact administrator of each other party state, which shall include, at a minimum:

23 (1) Identifying information;

24 (2) Licensure data;

25 (3) Information related to alternative program participation; and

26 (4) Other information that may facilitate the administration of this compact, as determined  
27 by commission rules.

28 (i) The compact administrator of a party state shall provide all investigative documents and  
29 information requested by another party state.

30 **5-34.3-10. Compact administration and interchange of information** Establishment of  
31 the interstate commission of nurse licensure compact administrators.

32 ~~(a) The head of the nurse licensing board, or his/her designee, of each party state shall be~~  
33 ~~the administrator of this compact for his/her state.~~

1 ~~(b) The compact administrator of each party shall furnish to the compact administrator of~~  
2 ~~each other party state any information and documents including, but not limited to, a uniform data~~  
3 ~~set of investigations, identifying information, licensure data, and disclosable alternative program~~  
4 ~~participation information to facilitate the administration of this compact.~~

5 ~~(c) Compact administrators shall have the authority to develop uniform rules to facilitate~~  
6 ~~and coordinate implementation of this compact. These uniform rules shall be adopted by party~~  
7 ~~states, under the authority invested under § 5-34.3-8(4).~~

8 (a) The party states hereby create and establish a joint public entity known as the interstate  
9 commission of nurse licensure compact administrators (the "commission").

10 (1) The commission is an instrumentality of the party states.

11 (2) Venue is proper, and judicial proceedings by or against the commission shall be brought  
12 solely and exclusively, in a court of competent jurisdiction where the principal office of the  
13 commission is located. The commission may waive venue and jurisdictional defenses to the extent  
14 it adopts or consents to participate in alternative dispute resolution proceedings.

15 (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

16 (b) Membership, voting and meetings:

17 (1) Each party state shall have and be limited to one administrator. The head of the state  
18 licensing board or designee shall be the administrator of this compact for each party state. Any  
19 administrator may be removed or suspended from office as provided by the law of the state from  
20 which the administrator is appointed. Any vacancy occurring in the commission shall be filled in  
21 accordance with the laws of the party state in which the vacancy exists.

22 (2) Each administrator shall be entitled to one vote with regard to the promulgation of rules  
23 and creation of bylaws and shall otherwise have an opportunity to participate in the business and  
24 affairs of the commission. An administrator shall vote in person or by such other means as provided  
25 in the bylaws. The bylaws may provide for an administrator's participation in meetings by telephone  
26 or other means of communication.

27 (3) The commission shall meet at least once during each calendar year. Additional meetings  
28 shall be held as set forth in the bylaws or rules of the commission. The commission shall not be  
29 subject to the requirements of the Rhode Island Open Meetings Act, R.I. Gen. Laws §§ 42-46-1*et*  
30 *seq.* and/or the Rhode Island Access to Public Records Act, R.I. Gen. Laws §§ 38-2-1 *et seq.*, but  
31 rather shall adhere to the requirements stated in this chapter.

32 (4) All meetings shall be open to the public, and public notice of meetings shall be given  
33 in the same manner as required under the rulemaking provisions in § 5-34.3-10.1.

1           (5) The commission may convene in a closed, nonpublic meeting if the commission must  
2 discuss:  
3           (i) Noncompliance of a party state with its obligations under this compact;  
4           (ii) The employment, compensation, discipline or other personnel matters, practices or  
5 procedures related to specific employees or other matters related to the commission's internal  
6 personnel practices and procedures;  
7           (iii) Current, threatened or reasonably anticipated litigation;  
8           (iv) Negotiation of contracts for the purchase or sale of goods, services or real estate;  
9           (v) Accusing any person of a crime or formally censuring any person;  
10           (vi) Disclosure of trade secrets or commercial or financial information that is privileged or  
11 confidential;  
12           (vii) Disclosure of information of a personal nature where disclosure would constitute a  
13 clearly unwarranted invasion of personal privacy;  
14           (viii) Disclosure of investigatory records compiled for law enforcement purposes;  
15           (ix) Disclosure of information related to any reports prepared by or on behalf of the  
16 commission for the purpose of investigation of compliance with this compact; or  
17           (x) Matters specifically exempted from disclosure by federal or state statute.  
18           (6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the  
19 commission's legal counsel or designee shall certify that the meeting may be closed and shall  
20 reference each relevant exempting provision. The commission shall keep minutes that fully and  
21 clearly describe all matters discussed in a meeting and shall provide a full and accurate summary  
22 of actions taken, and the reasons therefor, including a description of the views expressed. All  
23 documents considered in connection with an action shall be identified in such minutes. All minutes  
24 and documents of a closed meeting shall remain under seal, subject to release by a majority vote of  
25 the commission or order of a court of competent jurisdiction.  
26           (c) The commission shall, by a majority vote of the administrators, prescribe bylaws or  
27 rules to govern its conduct as may be necessary or appropriate to carry out the purposes and  
28 exercise the powers of this compact, including, but not limited to:  
29           (1) Establishing the fiscal year of the commission;  
30           (2) Providing reasonable standards and procedures:  
31           (i) For the establishment and meetings of other committees; and  
32           (ii) Governing any general or specific delegation of any authority or function of the  
33 commission;

1       (3) Providing reasonable procedures for calling and conducting meetings of the  
2 commission, ensuring reasonable advance notice of all meetings and providing an opportunity for  
3 attendance of such meetings by interested parties, with enumerated exceptions designed to protect  
4 the public's interest, the privacy of individuals, and proprietary information, including trade secrets.  
5 The commission may meet in closed session only after a majority of the administrators vote to close  
6 a meeting in whole or in part. As soon as practicable, the commission must make public a copy of  
7 the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed;

8       (4) Establishing the titles, duties and authority and reasonable procedures for the election  
9 of the officers of the commission;

10       (5) Providing reasonable standards and procedures for the establishment of the personnel  
11 policies and programs of the commission. Notwithstanding any civil service or other similar laws  
12 of any party state, the bylaws shall exclusively govern the personnel policies and programs of the  
13 commission; and

14       (6) Providing a mechanism for winding up the operations of the commission and the  
15 equitable disposition of any surplus funds that may exist after the termination of this compact after  
16 the payment or reserving of all of its debts and obligations;

17       (d) The commission shall publish its bylaws and rules, and any amendments thereto, in a  
18 convenient form on the website of the commission.

19       (e) The commission shall maintain its financial records in accordance with the bylaws.

20       (f) The commission shall meet and take such actions as are consistent with the provisions  
21 of this compact and the bylaws.

22       (g) The commission shall have the following powers:

23       (1) To promulgate uniform rules to facilitate and coordinate implementation and  
24 administration of this compact. The rules shall have the force and effect of law and shall be binding  
25 in all party states;

26       (2) To bring and prosecute legal proceedings or actions in the name of the commission,  
27 provided that the standing of any licensing board to sue or be sued under applicable law shall not  
28 be affected;

29       (3) To purchase and maintain insurance and bonds;

30       (4) To borrow, accept or contract for services of personnel, including, but not limited to,  
31 employees of a party state or nonprofit organizations;

32       (5) To cooperate with other organizations that administer state compacts related to the  
33 regulation of nursing, including, but not limited to, sharing administrative or staff expenses, office  
34 space or other resources;



1       (6) To hire employees, elect or appoint officers, fix compensation, define duties, grant such  
2 individuals appropriate authority to carry out the purposes of this compact, and to establish the  
3 commission's personnel policies and programs relating to conflicts of interest, qualifications of  
4 personnel and other related personnel matters;

5       (7) To accept any and all appropriate donations, grants and gifts of money, equipment,  
6 supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all  
7 times the commission shall avoid any appearance of impropriety or conflict of interest;

8       (8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,  
9 improve or use, any property, whether real, personal or mixed; provided that at all times the  
10 commission shall avoid any appearance of impropriety;

11       (9) To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of  
12 any property, whether real, personal or mixed;

13       (10) To establish a budget and make expenditures;

14       (11) To borrow money;

15       (12) To appoint committees, including advisory committees comprised of administrators,  
16 state nursing regulators, state legislators or their representatives, and consumer representatives, and  
17 other such interested persons;

18       (13) To provide and receive information from, and to cooperate with, law enforcement  
19 agencies;

20       (14) To adopt and use an official seal; and

21       (15) To perform such other functions as may be necessary or appropriate to achieve the  
22 purposes of this compact consistent with the state regulation of nurse licensure and practice.

23       (h) Financing of the commission:

24       (1) The commission shall pay, or provide for the payment of, the reasonable expenses of  
25 its establishment, organization and ongoing activities;

26       (2) The commission may also levy on and collect an annual assessment from each party  
27 state to cover the cost of its operations, activities and staff in its annual budget as approved each  
28 year. The aggregate annual assessment amount, if any, shall be allocated based upon a formula to  
29 be determined by the commission, which shall promulgate a rule that is binding upon all party  
30 states;

31       (3) The commission shall not incur obligations of any kind prior to securing the funds  
32 adequate to meet the same; nor shall the commission pledge the credit of any of the party states,  
33 except by, and with the authority of, such party state;

1       (4) The commission shall keep accurate accounts of all receipts and disbursements. The  
2 receipts and disbursements of the commission shall be subject to the audit and accounting  
3 procedures established under its bylaws. However, all receipts and disbursements of funds handled  
4 by the commission shall be audited yearly by a certified or licensed public accountant, and the  
5 report of the audit shall be included in and become part of the annual report of the commission.

6       (i) Qualified immunity, defense and indemnification:

7       (1) The administrators, officers, executive director, employees and representatives of the  
8 commission shall be immune from suit and liability, either personally or in their official capacity,  
9 for any claim for damage to or loss of property or personal injury or other civil liability caused by  
10 or arising out of any actual or alleged act, error or omission that occurred, or that the person against  
11 whom the claim is made had a reasonable basis for believing occurred, within the scope of  
12 commission employment, duties or responsibilities; provided that nothing in this paragraph shall  
13 be construed to protect any such person from suit or liability for any damage, loss, injury or liability  
14 caused by the intentional, willful or wanton misconduct of that person;

15       (2) The commission shall defend any administrator, officer, executive director, employee  
16 or representative of the commission in any civil action seeking to impose liability arising out of  
17 any actual or alleged act, error or omission that occurred within the scope of commission  
18 employment, duties or responsibilities, or that the person against whom the claim is made had a  
19 reasonable basis for believing occurred within the scope of commission employment, duties or  
20 responsibilities; provided that nothing herein shall be construed to prohibit that person from  
21 retaining their own counsel; and provided further that the actual or alleged act, error or omission  
22 did not result from that person's intentional, willful or wanton misconduct;

23       (3) The commission shall indemnify and hold harmless any administrator, officer,  
24 executive director, employee or representative of the commission for the amount of any settlement  
25 or judgment obtained against that person arising out of any actual or alleged act, error or omission  
26 that occurred within the scope of commission employment, duties or responsibilities, or that such  
27 person had a reasonable basis for believing occurred within the scope of commission employment,  
28 duties or responsibilities, provided that the actual or alleged act, error or omission did not result  
29 from the intentional, willful or wanton misconduct of that person.

30       **5-34.3-12. ~~Entry into force, withdrawal and amendment~~ Effective date, withdrawal**  
31 **and amendment.**

32       ~~(a) This compact shall enter into force and become effective as to any state when it has~~  
33 ~~been enacted into the laws of that state. Any party state may withdraw from this compact by~~  
34 ~~enacting a statute repealing the same, but no such withdrawal shall take effect until six (6) months~~

1 ~~after the withdrawing state has given notice of the withdrawal to the executive heads of all other~~  
2 ~~party states.~~

3 ~~(b) No withdrawal shall affect the validity or applicability by the licensing boards of states~~  
4 ~~remaining party to the compact of any report of adverse action occurring prior to the~~  
5 ~~withdrawal.~~

6 ~~(c) Nothing contained in this compact shall be construed to invalidate or prevent any nurse~~  
7 ~~licensure agreement or other cooperative arrangement between a party state and a non-party state~~  
8 ~~that is made in accordance with the other provisions of this compact.~~

9 ~~(d) This compact may be amended by the party states. No amendment to this compact shall~~  
10 ~~become effective and binding upon the party states unless and until it is enacted into the laws of all~~  
11 ~~party states.~~

12 (a) This compact shall become effective upon passage. All party states to this compact, that  
13 also were parties to the prior nurse licensure compact, superseded by this compact, ("prior  
14 compact"), shall be deemed to have withdrawn from said prior compact within six (6) months after  
15 the effective date of this compact.

16 (b) Each party state to this compact shall continue to recognize a nurse's multistate  
17 licensure privilege to practice in that party state issued under the prior compact until such party  
18 state has withdrawn from the prior compact.

19 (c) Any party state may withdraw from this compact by enacting a statute repealing the  
20 same. A party state's withdrawal shall not take effect until six (6) months after enactment of the  
21 repealing statute.

22 (d) A party state's withdrawal or termination shall not affect the continuing requirement of  
23 the withdrawing or terminated state's licensing board to report adverse actions and significant  
24 investigations occurring prior to the effective date of such withdrawal or termination.

25 (e) Nothing contained in this compact shall be construed to invalidate or prevent any nurse  
26 licensure agreement or other cooperative arrangement between a party state and a non-party state  
27 that is made in accordance with the other provisions of this compact.

28 (f) This compact may be amended by the party states. No amendment to this compact shall  
29 become effective and binding upon the party states unless and until it is enacted into the laws of all  
30 party states.

31 (g) Representatives of non-party states to this compact shall be invited to participate in the  
32 activities of the commission, on a nonvoting basis, prior to the adoption of this compact by all  
33 states.

34 **5-34.3-14. Construction and severability.**

1 (a) This compact shall be liberally construed so as to effectuate the purposes thereof. The  
2 provisions of this compact shall be severable and if any phrase, clause, sentence or provision of  
3 this compact is declared to be contrary to the constitution of any party state or of the United States  
4 or the applicability thereof to any government, agency, person or circumstance is held invalid, the  
5 validity of the remainder of this compact and the applicability thereof to any government, agency,  
6 person or circumstance shall not be affected thereby. If this compact shall be held contrary to the  
7 constitution of any state party thereto, the compact shall remain in full force and effect as to the  
8 remaining party states and in full force and effect as to the party state affected as to all severable  
9 matters.

10 ~~(b) In the event party states find a need for settling disputes arising under this compact:~~

11 ~~(1) The party states may submit the issues in dispute to an arbitration panel which will be~~  
12 ~~comprised of an individual appointed by the compact administrator in the home state; an individual~~  
13 ~~appointed by the compact administrator in the remote state(s) involved; and an individual mutually~~  
14 ~~agreed upon by the compact administrators of all the party states involved in the dispute.~~

15 ~~(2) The decision of a majority of the arbitrators shall be final and binding.~~

16 SECTION 4. Sections 5-34.3-7 and 5-34.3-11 of the General Laws in Chapter 5-34.3  
17 entitled "Nurse Licensure Compact" are hereby repealed.

18 **~~5-34.3-7. Adverse actions.~~**

19 ~~In addition to the provisions described in § 5-34.3-5, the following provisions apply:~~

20 ~~(1) The licensing board of a remote state shall promptly report to the administrator of the~~  
21 ~~coordinated licensure information system any remote state actions including the factual and legal~~  
22 ~~basis for such action, if known. The licensing board of a remote state shall also promptly report any~~  
23 ~~significant current investigative information yet to result in a remote state action. The administrator~~  
24 ~~of the coordinated licensure information system shall promptly notify the home state of any such~~  
25 ~~reports.~~

26 ~~(2) The licensing board of a party state shall have the authority to complete any pending~~  
27 ~~investigations for a nurse who changes primary state of residence during the course of such~~  
28 ~~investigations. It shall also have the authority to take appropriate action(s), and shall promptly~~  
29 ~~report the conclusions of such investigations to the administrator of the coordinated licensure~~  
30 ~~information system. The administrator of the coordinated licensure information system shall~~  
31 ~~promptly notify the new home state of any such actions.~~

32 ~~(3) A remote state may take adverse action affecting the multistate licensure privilege to~~  
33 ~~practice within that party state. However, only the home state shall have the power to impose~~  
34 ~~adverse action against the license issued by the home state.~~

1           ~~(4) For purposes of imposing adverse action, the licensing board of the home state shall~~  
2 ~~give the same priority and effect to reported conduct received from a remote state as it would if~~  
3 ~~such conduct had occurred within the home state. In so doing, it shall apply its own state laws to~~  
4 ~~determine appropriate action.~~

5           ~~(5) The home state may take adverse action based on the factual findings of the remote~~  
6 ~~state, so long as each state follows its own procedures for imposing such adverse action.~~

7           ~~(6) Nothing in this compact shall override a party state's decision that participation in an~~  
8 ~~alternative program may be used in lieu of licensure action and that such participation shall remain~~  
9 ~~non-public if required by the party state's laws. Party states must require nurses who enter any~~  
10 ~~alternative programs to agree not to practice in any other party state during the term of the~~  
11 ~~alternative program without prior authorization from such other party state.~~

12           **~~5-34.3-11. Immunity.~~**

13           ~~No party state or the officers or employees or agents of a party state's nurse licensing board~~  
14 ~~who acts in accordance with the provisions of this compact shall be liable on account of any act or~~  
15 ~~omission in good faith while engaged in the performance of their duties under this compact. Good~~  
16 ~~faith in this article shall not include willful misconduct, gross negligence, or recklessness.~~

17           SECTION 5. Title 5 of the General Laws entitled “Business and Professions” is hereby  
18 amended by adding thereto the following chapter:

19                               CHAPTER 44.1

20                               PSYCHOLOGY INTERJURISDICTIONAL COMPACT

21           5-44.1-1. Short title. – This chapter shall be known and may be cited as the psychology  
22 interjurisdictional compact act.

23           5.44-.1-2. Purpose.

24           WHEREAS, states license psychologists, in order to protect the public through verification  
25 of education, training and experience and ensure accountability for professional practice; and

26           WHEREAS, this compact is intended to regulate the day to day practice of telepsychology  
27 (i.e. the provision of psychological services using telecommunication technologies) by  
28 psychologists across state boundaries in the performance of their psychological practice as assigned  
29 by an appropriate authority; and

30           WHEREAS, this compact is intended to regulate the temporary in-person, face-to-face  
31 practice of psychology by psychologists across state boundaries for 30 days within a calendar year  
32 in the performance of their psychological practice as assigned by an appropriate authority;

1        WHEREAS, this compact is intended to authorize state psychology regulatory authorities  
2 to afford legal recognition, in a manner consistent with the terms of the compact, to psychologists  
3 licensed in another state;

4        WHEREAS, this compact recognizes that states have a vested interest in protecting the  
5 public’s health and safety through their licensing and regulation of psychologists and that such state  
6 regulation will best protect public health and safety;

7        WHEREAS, this compact does not apply when a psychologist is licensed in both the home  
8 and receiving states; and

9        WHEREAS, this compact does not apply to permanent in-person, face-to-face practice, it  
10 does allow for authorization of temporary psychological practice.

11        Consistent with these principles, this compact is designed to achieve the following  
12 purposes and objectives:

13        (1) Increase public access to professional psychological services by allowing for  
14 telepsychological practice across state lines as well as temporary in-person, face-to-face services  
15 into a state which the psychologist is not licensed to practice psychology;

16        (2) Enhance the states’ ability to protect the public’s health and safety, especially  
17 client/patient safety;

18        (3) Encourage the cooperation of compact states in the areas of psychology licensure and  
19 regulation;

20        (4) Facilitate the exchange of information between compact states regarding psychologist  
21 licensure, adverse actions and disciplinary history;

22        (5) Promote compliance with the laws governing psychological practice in each compact  
23 state; and

24        (6) Invest all compact states with the authority to hold licensed psychologists accountable  
25 through the mutual recognition of compact state licenses.

26        **5-44.1-3. – Definitions**

27        (a) “Adverse action” means any action taken by a state psychology regulatory authority  
28 which finds a violation of a statute or regulation that is identified by the state psychology regulatory  
29 authority as discipline and is a matter of public record.

30        (b) “Association of state and provincial psychology boards (ASPPB)” means the  
31 recognized membership organization composed of state and provincial psychology regulatory  
32 authorities responsible for the licensure and registration of psychologists throughout the United  
33 States and Canada.

1 (c) “Authority to practice interjurisdictional telepsychology” means a licensed  
2 psychologist’s authority to practice telepsychology, within the limits authorized under this  
3 compact, in another compact state.

4 (d) “Bylaws” means those bylaws established by the psychology interjurisdictional  
5 compact commission pursuant to section 5-44.1-11 for its governance, or for directing and  
6 controlling its actions and conduct.

7 (e) “Client/patient” means the recipient of psychological services, whether psychological  
8 services are delivered in the context of healthcare, corporate, supervision, and/or consulting  
9 services.

10 (f) “Commissioner” means the voting representative designated by each state psychology  
11 Regulatory Authority pursuant to section 5-44.1-11.

12 (g) “Compact state” means a state, the District of Columbia, or United States territory that  
13 has enacted this compact legislation and which has not withdrawn pursuant to section 5-44.1-14  
14 (e) or been terminated pursuant to section 5-44.1-13 (b).

15 (h) “Coordinated licensure information system” also referred to as “coordinated database”  
16 means an integrated process for collecting, storing, and sharing information on psychologists’  
17 licensure and enforcement activities related to psychology licensure laws, which is administered  
18 by the recognized membership organization composed of state and provincial psychology  
19 regulatory authorities.

20 (i) “Confidentiality” means the principle that data or information is not made available or  
21 disclosed to unauthorized persons and/or processes.

22 (j) “Day” means any part of a day in which psychological work is performed.

23 (k) “Distant State” means the compact state where a psychologist is physically present (not  
24 through the use of telecommunications technologies), to provide temporary in-person, face-to-face  
25 psychological services.

26 (l) “E.Passport” means a certificate issued by the ASPPB that promotes the standardization  
27 in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed  
28 psychologists to provide telepsychological services across state lines.

29 (m) “Executive board” means a group of directors elected or appointed to act on behalf of,  
30 and within the powers granted to them by, the commission.

31 (n) “Home state” means a compact state where a psychologist is licensed to practice  
32 psychology. If the psychologist is licensed in more than one compact state and is practicing under  
33 the authorization to practice interjurisdictional telepsychology, the home state is the compact state  
34 where the psychologist is physically present when the telepsychological services are delivered. If

1 the psychologist is licensed in more than one compact state and is practicing under the temporary  
2 authorization to practice, the home state is any compact state where the psychologist is licensed.

3 (o) “Identity history summary” means a summary of information retained by the FBI, or  
4 other designee with similar authority, in connection with arrests and, in some instances, federal  
5 employment, naturalization, or military service.

6 (p) “In-person, face-to-face” means interactions in which the psychologist and the  
7 client/patient are in the same physical space and which does not include interactions that may occur  
8 through the use of telecommunication technologies.

9 (q) “Interjurisdictional practice certificate (IPC)” means a certificate issued by the ASPPB  
10 that grants temporary authority to practice based on notification to the state psychology regulatory  
11 authority of intention to practice temporarily, and verification of one’s qualifications for such  
12 practice.

13 (r) “License” means authorization by a state psychology regulatory authority to engage in  
14 the independent practice of psychology, which would be unlawful without the authorization.

15 (s) “Non-compact state” means any state which is not at the time a compact state.

16 (t) “Psychologist” means an individual licensed for the independent practice of  
17 psychology.

18 (u) “Psychology interjurisdictional compact” means the formal compact authorized in  
19 chapter 5-44.1.

20 (v) “Psychology interjurisdictional compact commission” also referred to as “commission”  
21 means the national administration of which all compact states are members.

22 (w) “Receiving State” means a compact state where the client/patient is physically located  
23 when the telepsychological services are delivered.

24 (x) “Rule” means a written statement by the psychology interjurisdictional compact  
25 commission promulgated pursuant to section 5-44.1-12 that is of general applicability, implements,  
26 interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or  
27 practice requirement of the commission and has the force and effect of statutory law in a compact  
28 state, and includes the amendment, repeal or suspension of an existing rule.

29 (y) “Significant investigatory information” means investigative information that a state  
30 psychology regulatory authority, after a preliminary inquiry that includes notification and an  
31 opportunity to respond if required by state law, has reason to believe, if proven true, would indicate  
32 more than a violation of state statute or ethics code that would be considered more substantial than  
33 minor infraction; or investigative information that indicates that the psychologist represents an



immediate threat to public health and safety regardless of whether the psychologist has been notified and/or had an opportunity to respond.

(z) “State” means a state, commonwealth, territory, or possession of the United States, the District of Columbia.

(aa) “State psychology regulatory authority” means the board, office or other agency with the legislative mandate to license and regulate the practice of psychology.

(bb) “Telepsychology” means the provision of psychological services using telecommunication technologies.

(cc) “Temporary authorization to practice” means a licensed psychologist’s authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this compact, in another compact state.

(dd) “Temporary in-person, face-to-face practice” means where a psychologist is physically present (not through the use of telecommunications technologies), in the distant state to provide for the practice of psychology for 30 days within a calendar year and based on notification to the distant state.

**5-44.1-4. – Home state licensure.**

(a) The home state shall be a compact state where a psychologist is licensed to practice psychology.

(b) A psychologist may hold one or more compact State licenses at a time. If the psychologist is licensed in more than one compact State, the home State is the compact state where the psychologist is physically present when the services are delivered as authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

(c) Any compact state may require a psychologist not previously licensed in a compact state to obtain and retain a license to be authorized to practice in the compact state under circumstances not authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

(d) Any compact state may require a psychologist to obtain and retain a license to be authorized to practice in a compact state under circumstances not authorized by temporary authorization to practice under the terms of this compact.

(e) A homes state’s license authorizes a psychologist to practice in a receiving state under the authority to practice interjurisdictional telepsychology only if the compact state:

(1) Currently requires the psychologist to hold an active E.Passport;

(2) Has a mechanism in place for receiving and investigating complaints about licensed individuals;

1           (3) Notifies the commission, in compliance with the terms herein, of any adverse action or  
2           significant investigatory information regarding a licensed individual;

3           (4) Requires an identity history summary of all applicants at initial licensure, including the  
4           use of the results of fingerprints or other biometric data checks compliant with the requirements of  
5           the Federal Bureau of Investigation (FBI), or other designee with similar authority, no later than  
6           ten years after activation of the compact; and

7           (5) Complies with the bylaws and rules.

8           (f) A home state's license grants temporary authorization to practice to a psychologist in a  
9           distant state only if the compact state:

10          (1) Currently requires the psychologist to hold an active IPC;

11          (2) Has a mechanism in place for receiving and investigating complaints about licensed  
12          individuals;

13          (3) Notifies the commission, in compliance with the terms herein, of any adverse action or  
14          significant investigatory information regarding a licensed individual;

15          (4) Requires an identity history summary of all applicants at initial licensure, including the  
16          use of the results of fingerprints or other biometric data checks compliant with the requirements of  
17          the FBI, or other designee with similar authority, no later than ten years after activation of the  
18          compact; and

19          (5) Complies with the bylaws and rules.

20          **5-44.1-5 Compact privilege to practice telepsychology.**

21          (a) Compact states shall recognize the right of a psychologist, licensed in a compact state  
22          in conformance with section 5-44.1-4, to practice telepsychology in other compact states (receiving  
23          states) in which the psychologist is not licensed, under the authority to practice interjurisdictional  
24          telepsychology as provided in the compact.

25          (b) To exercise the authority to practice interjurisdictional telepsychology under the terms  
26          and provisions of this compact, a psychologist licensed to practice in a compact state must:

27          (1) Hold a graduate degree in psychology from an institute of higher education that was, at  
28          the time the degree was awarded:

29          (i) Regionally accredited by an accrediting body recognized by the U.S. department of  
30          education to grant graduate degrees, or authorized by provincial statute or royal charter to grant  
31          doctoral degrees; or

32          (ii) A foreign college or university deemed to be equivalent to 1(a) above by a foreign  
33          credential evaluation service that is a member of the national association of credential evaluation  
34          services (NACES) or by a recognized foreign credential evaluation service; and

- 1           (2) Hold a graduate degree in psychology that meets the following criteria: and
- 2           (3) The program, wherever it may be administratively housed, must be clearly identified  
3 and labeled as a psychology program. Such a program must specify in pertinent institutional  
4 catalogues and brochures its intent to educate and train professional psychologists;
- 5           (4) The psychology program must stand as a recognizable, coherent, organizational entity  
6 within the institution;
- 7           (5) There must be a clear authority and primary responsibility for the core and specialty  
8 areas whether or not the program cuts across administrative lines;
- 9           (6) The program must consist of an integrated, organized sequence of study;
- 10          (7) There must be an identifiable psychology faculty sufficient in size and breadth to carry  
11 out its responsibilities;
- 12          (8) The designated director of the program must be a psychologist and a member of the  
13 core faculty;
- 14          (9) The program must have an identifiable body of students who are matriculated in that  
15 program for a degree;
- 16          (10) The program must include supervised practicum, internship, or field training  
17 appropriate to the practice of psychology;
- 18          (11) The curriculum shall encompass a minimum of three academic years of full-time  
19 graduate study for doctoral degree and a minimum of one academic year of full-time graduate study  
20 for master's degree;
- 21          (12) The program includes an acceptable residency as defined by the rules.
- 22          (13) Possess a current, full and unrestricted license to practice psychology in a home state  
23 which is a compact state;
- 24          (14) Have no history of adverse action that violate the rules;
- 25          (15) Have no criminal record history reported on an Identity history summary that violates  
26 the rules;
- 27          (16) Possess a current, active E.Passport;
- 28          (17) Provide attestations in regard to areas of intended practice, conformity with standards  
29 of practice, competence in telepsychology technology; criminal background; and knowledge and  
30 adherence to legal requirements in the home and receiving states, and provide a release of  
31 information to allow for primary source verification in a manner specified by the commission; and
- 32          (18) Meet other criteria as defined by the rules.
- 33          (c) The home state maintains authority over the license of any psychologist practicing into  
34 a Receiving State under the authority to practice interjurisdictional telepsychology.

1 (d) A psychologist practicing into a receiving state under the authority to practice  
2 interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A  
3 receiving state may, in accordance with that state's due process law, limit or revoke a  
4 psychologist's Authority to practice interjurisdictional telepsychology in the receiving state and  
5 may take any other necessary actions under the receiving state's applicable law to protect the health  
6 and safety of the receiving State's citizens. If a receiving state takes action, the state shall promptly  
7 notify the home state and the commission.

8 (e) If a psychologist's license in any home state, another compact state, or any authority to  
9 practice interjurisdictional telepsychology in any receiving state, is restricted, suspended or  
10 otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be  
11 eligible to practice telepsychology in a compact state under the authority to practice  
12 interjurisdictional telepsychology.

13 **5-44.1-6. – Compact temporary authorization to practice.**

14 (a) Compact states shall also recognize the right of a psychologist, licensed in a compact  
15 state in conformance with section 5-44.1-4, to practice temporarily in other compact states (distant  
16 states) in which the psychologist is not licensed, as provided in the compact.

17 (b) To exercise the temporary authorization to practice under the terms and provisions of  
18 this compact, a psychologist licensed to practice in a compact state must:

19 (1) Hold a graduate degree in psychology from an institute of higher education that was, at  
20 the time the degree was awarded:

21 (i) Regionally accredited by an accrediting body recognized by the U.S. department of  
22 education to grant graduate degrees, or authorized by provincial statute or royal charter to grant  
23 doctoral degrees; or

24 (ii) A foreign college or university deemed to be equivalent to 1 (a) above by a foreign  
25 credential evaluation service that is a member of the national association of credential evaluation  
26 services (NACES) or by a recognized foreign credential evaluation service; and

27 (2) Hold a graduate degree in psychology that meets the following criteria:

28 (i) The program, wherever it may be administratively housed, must be clearly identified  
29 and labeled as a psychology program. Such a program must specify in pertinent institutional  
30 catalogues and brochures its intent to educate and train professional psychologists;

31 (ii) The psychology program must stand as a recognizable, coherent, organizational entity  
32 within the institution;

33 (iii) There must be a clear authority and primary responsibility for the core and specialty  
34 areas whether or not the program cuts across administrative lines;

1           (iv) The program must consist of an integrated, organized sequence of study;  
2           (v) There must be an identifiable psychology faculty sufficient in size and breadth to carry  
3 out its responsibilities;  
4           (vi) The designated director of the program must be a psychologist and a member of the  
5 core faculty;  
6           (vii) The program must have an identifiable body of students who are matriculated in that  
7 program for a degree;  
8           (viii) The program must include supervised practicum, internship, or field training  
9 appropriate to the practice of psychology;  
10          (ix) The curriculum shall encompass a minimum of three academic years of full-time  
11 graduate study for doctoral degrees and a minimum of one academic year of full-time graduate  
12 study for master's degree;  
13          (x) The program includes an acceptable residency as defined by the rules.  
14          (3) Possess a current, full and unrestricted license to practice psychology in a home state  
15 which is a compact state;  
16          (4) No history of adverse action that violate the rules;  
17          (5) No criminal record history that violates the rules;  
18          (6) Possess a current, active IPC;  
19          (7) Provide attestations in regard to areas of intended practice and work experience and  
20 provide a release of information to allow for primary source verification in a manner specified by  
21 the commission; and  
22          (8) Meet other criteria as defined by the rules.  
23          (c) A psychologist practicing into a distant state under the temporary authorization to  
24 practice shall practice within the scope of practice authorized by the distant state.  
25          (d) A psychologist practicing into a distant state under the temporary authorization to  
26 practice will be subject to the distant state's authority and law. A distant state may, in accordance  
27 with that state's due process law, limit or revoke a psychologist's temporary authorization to  
28 practice in the distant state and may take any other necessary actions under the distant state's  
29 applicable law to protect the health and safety of the distant state's citizens. If a distant state takes  
30 action, the state shall promptly notify the home state and the commission.  
31          (e) If a psychologist's license in any home state, another compact state, or any temporary  
32 authorization to practice in any distant state, is restricted, suspended or otherwise limited, the IPC  
33 shall be revoked and therefore the psychologist shall not be eligible to practice in a compact state  
34 under the temporary authorization to practice.

1           5-44.1-7. – Conditions of telepsychology practice in a receiving state.

2           (a) A psychologist may practice in a receiving state under the authority to practice  
3 interjurisdictional telepsychology only in the performance of the scope of practice for psychology  
4 as assigned by an appropriate state psychology regulatory authority, as defined in the rules, and  
5 under the following circumstances:

6           (1) The psychologist initiates a client/patient contact in a home state via  
7 telecommunications technologies with a client/patient in a receiving state;

8           (2) Other conditions regarding telepsychology as determined in the rules.

9           **5-44.1-8. – Adverse actions.**

10          (a) A home state shall have the power to impose adverse action against a psychologist's  
11 license issued by the home state. A distant state shall have the power to take adverse action on a  
12 psychologist's temporary authorization to practice within that distant state.

13          (b) A receiving state may take adverse action on a psychologist's authority to practice  
14 interjurisdictional telepsychology within that receiving state. A home state may take adverse action  
15 against a psychologist based on an adverse action taken by a distant state regarding temporary in-  
16 person, face-to-face practice.

17          (c) If a home state takes adverse action against a psychologist's license, that psychologist's  
18 authority to practice interjurisdictional telepsychology is terminated and the E.Passport is revoked.  
19 Furthermore, that psychologist's temporary authorization to practice is terminated and the IPC is  
20 revoked.

21          (1) All home state disciplinary orders which impose adverse action shall be reported to the  
22 commission in accordance with the rules. A compact state shall report adverse actions in  
23 accordance with the rules.

24          (2) In the event discipline is reported on a psychologist, the psychologist will not be eligible  
25 for telepsychology or temporary in-person, face-to-face practice in accordance with the rules.

26          (3) Other actions may be imposed as determined by the rules.

27          (d) A home state's psychology regulatory authority shall investigate and take appropriate  
28 action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a  
29 Receiving State as it would if such conduct had occurred by a licensee within the home state. In  
30 such cases, the home state's law shall control in determining any adverse action against a  
31 psychologist's license.

32          (e) A distant state's psychology regulatory authority shall investigate and take appropriate  
33 action with respect to reported inappropriate conduct engaged in by a psychologist practicing under  
34 temporary authorization practice which occurred in that distant state as it would if such conduct

1 had occurred by a licensee within the home state. In such cases, distant state's law shall control in  
2 determining any adverse action against a psychologist's temporary authorization to practice.

3 (f) Nothing in this compact shall override a compact state's decision that a psychologist's  
4 participation in an alternative program may be used in lieu of adverse action and that such  
5 participation shall remain non-public if required by the compact state's law. Compact states must  
6 require psychologists who enter any alternative programs to not provide telepsychology services  
7 under the authority to practice interjurisdictional telepsychology or provide temporary  
8 psychological services under the temporary authorization to practice in any other compact state  
9 during the term of the alternative program.

10 (g) No other judicial or administrative remedies shall be available to a psychologist in the  
11 event a compact State imposes an adverse action pursuant to subsection c, above.

12 **5-44.1-9. – Additional authorities invested in a compact state's psychology regulatory**  
13 **authority.**

14 (a) In addition to any other powers granted under state law, a compact state's psychology  
15 regulatory Authority shall have the authority under this compact to:

16 (1) Issue subpoenas, for both hearings and investigations, which require the attendance and  
17 testimony of witnesses and the production of evidence. Subpoenas issued by a compact state's  
18 psychology regulatory authority for the attendance and testimony of witnesses, and/or the  
19 production of evidence from another compact state shall be enforced in the latter state by any court  
20 of competent jurisdiction, according to that court's practice and procedure in considering subpoenas  
21 issued in its own proceedings. The issuing state psychology regulatory authority shall pay any  
22 witness fees, travel expenses, mileage and other fees required by the service statutes of the state  
23 where the witnesses and/or evidence are located; and

24 (2) Issue cease and desist and/or injunctive relief orders to revoke a psychologist's  
25 authority to practice interjurisdictional telepsychology and/or temporary authorization to practice.

26 (3) During the course of any investigation, a psychologist may not change his/her home  
27 state licensure. A home state psychology regulatory authority is authorized to complete any  
28 pending investigations of a psychologist and to take any actions appropriate under its law. The  
29 home state psychology regulatory authority shall promptly report the conclusions of such  
30 investigations to the commission. Once an investigation has been completed, and pending the  
31 outcome of said investigation, the psychologist may change his/her home state licensure. The  
32 commission shall promptly notify the new home state of any such decisions as provided in the rules.  
33 All information provided to the commission or distributed by compact states pursuant to the  
34 psychologist shall be confidential, filed under seal and used for investigatory or disciplinary

1 matters. The commission may create additional rules for mandated or discretionary sharing of  
2 information by compact States.

3 **5-44.1-10. – Coordinated licensure information system.**

4 (a) The commission shall provide for the development and maintenance of a coordinated  
5 licensure information system and reporting system containing licensure and disciplinary action  
6 information on all psychologists to whom this compact is applicable in all compact states as defined  
7 by the rules.

8 (b) Notwithstanding any other provision of state law to the contrary, a compact state shall  
9 submit a uniform data set to the coordinated database on all licensees as required by the rules,  
10 including:

11 (i) Identifying information;

12 (ii) Licensure data;

13 (iii) Significant investigatory information;

14 (iv) Adverse actions against a psychologist's license;

15 (v) An indicator that a psychologist's authority to practice interjurisdictional  
16 telepsychology and/or temporary authorization to practice is revoked;

17 (vi) Non-confidential information related to alternative program participation information;

18 (vii) Any denial of application for licensure, and the reasons for such denial; and

19 (viii) Other information which may facilitate the administration of this compact, as  
20 determined in the rules.

21 (c) The coordinated database administrator shall promptly notify all compact states of any  
22 adverse action taken against, or significant investigative information on, any licensee in a compact  
23 state.

24 (d) Compact states reporting information to the coordinated database may designate  
25 information that may not be shared with the public without the express permission of the compact  
26 state reporting the information.

27 (e) Any information submitted to the coordinated database that is subsequently required to  
28 be expunged by the law of the compact State reporting the information shall be removed from the  
29 coordinated database.

30 **5-44.1-11. – Establishment of the psychology interjurisdictional compact commission.**

31 (a) The compact states hereby create and establish a joint public agency known as the  
32 psychology interjurisdictional compact commission.

33 (1) The commission is a body politic and an instrumentality of the compact states.



1       (2) Venue is proper and judicial proceedings by or against the commission shall be brought  
2 solely and exclusively in a court of competent jurisdiction where the principal office of the  
3 commission is located. The commission may waive venue and jurisdictional defenses to the extent  
4 it adopts or consents to participate in alternative dispute resolution proceedings.

5       (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

6       (b) Membership, voting, and meetings

7       (1) The commission shall consist of one voting representative designated by each compact  
8 state who shall serve as that state's commissioner. The state psychology regulatory authority shall  
9 designate its delegate. This delegate shall be empowered to act on behalf of the compact state.  
10 This delegate shall be limited to:

11       (i) Executive director, executive secretary or similar executive;

12       (ii) Current member of the state psychology regulatory authority of a compact State; or

13       (iii) Designee empowered with the appropriate delegate authority to act on behalf of the  
14 compact State.

15       (2) Any commissioner may be removed or suspended from office as provided by the law  
16 of the state from which the commissioner is appointed. Any vacancy occurring in  
17 the commission shall be filled in accordance with the laws of the compact state in which  
18 the vacancy exists.

19       (3) Each commissioner shall be entitled to one vote with regard to the promulgation of  
20 rules and creation of bylaws and shall otherwise have an opportunity to participate in the business  
21 and affairs of the commission. A commissioner shall vote in person or by such other means as  
22 provided in the bylaws. The By-Laws may provide for commissioner's participation in meetings  
23 by telephone or other means of communication.

24       (4) The commission shall meet at least once during each calendar year. Additional  
25 meetings shall be held as set forth in the bylaws.

26       (5) All meetings shall be open to the public, and public notice of meetings shall be given  
27 in the same manner as required under the provisions of Chapter 46 of Title 42, but otherwise, the  
28 commission shall not be subject to the requirements of the Rhode Island Open Meetings Act, R.I.  
29 Gen. Laws § 42-46-1 et seq. and/or the Rhode Island Access to Public Records Act, R.I. Gen. Laws  
30 § 38-2-1 et seq. Rather, the commission shall adhere to the requirements stated in this chapter.

31       (6) The commission may convene in a closed, non-public meeting if the commission must  
32 discuss:

33       (i) Non-compliance of a compact state with its obligations under the compact;

1       (ii) The employment, compensation, discipline or other personnel matters, practices or  
2 procedures related to specific employees or other matters related to the commission's internal  
3 personnel practices and procedures;

4       (iii) Current, threatened, or reasonably anticipated litigation against the commission;

5       (iv) Negotiation of contracts for the purchase or sale of goods, services or real estate;

6       (v) Accusation against any person of a crime or formally censuring any person;

7       (vi) Disclosure of trade secrets or commercial or financial information which is privileged  
8 or confidential;

9       (vii) Disclosure of information of a personal nature where disclosure would constitute a  
10 clearly unwarranted invasion of personal privacy;

11       (viii) Disclosure of investigatory records compiled for law enforcement purposes;

12       (ix) Disclosure of information related to any investigatory reports prepared by or on behalf  
13 of or for use of the commission or other committee charged with responsibility for investigation or  
14 determination of compliance issues pursuant to the compact; or

15       (x) Matters specifically exempted from disclosure by federal and state statute.

16       (7) If a meeting, or portion of a meeting, is closed pursuant to this provision, the  
17 commission's legal counsel or designee shall certify that the meeting may be closed and shall  
18 reference each relevant exempting provision. The commission shall keep minutes which fully and  
19 clearly describe all matters discussed in a meeting and shall provide a full and accurate summary  
20 of actions taken, of any person participating in the meeting, and the reasons therefore, including a  
21 description of the views expressed. All documents considered in connection with an action shall be  
22 identified in such minutes. All minutes and documents of a closed meeting shall remain under seal,  
23 subject to release only by a majority vote of the commission or order of a court of competent  
24 jurisdiction.

25       (8) The commission shall, by a majority vote of the commissioners, prescribe bylaws  
26 and/or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and  
27 exercise the powers of the compact, including but not limited to:

28       (i) Establishing the fiscal year of the commission;

29       (ii) Providing reasonable standards and procedures:

30       (iii) for the establishment and meetings of other committees; and

31       (iv) governing any general or specific delegation of any authority or function of the  
32 commission;

33       (v) Providing reasonable procedures for calling and conducting meetings of the  
34 commission, ensuring reasonable advance notice of all meetings and providing an opportunity for

attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each commissioner with no proxy votes allowed;

(vi) Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the commission;

(vii) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar law of any compact State, the bylaws shall exclusively govern the personnel policies and programs of the commission;

(viii) Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees;

(ix) Providing a mechanism for concluding the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment and/or reserving of all of its debts and obligations;

(9) The commission shall publish its Bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the compact states;

(10) The commission shall maintain its financial records in accordance with the Bylaws; and

(11) The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

(c) The commission shall have the following powers:

(1) The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rule shall have the force and effect of law and shall be binding in all compact states;

(2) To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;

(3) To purchase and maintain insurance and bonds;

(4) To borrow, accept or contract for services of personnel, including, but not limited to, employees of a compact state;

1           (5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such  
2 individuals appropriate authority to carry out the purposes of the compact, and to establish the  
3 commission's personnel policies and programs relating to conflicts of interest, qualifications of  
4 personnel, and other related personnel matters;

5           (6) To accept any and all appropriate donations and grants of money, equipment, supplies,  
6 materials and services, and to receive, utilize and dispose of the same; provided that at all times the  
7 commission shall strive to avoid any appearance of impropriety and/or conflict of interest;

8           (7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,  
9 improve or use, any property, real, personal or mixed; provided that at all times the commission  
10 shall strive to avoid any appearance of impropriety;

11           (8) To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of  
12 any property real, personal or mixed;

13           (9) To establish a budget and make expenditures;

14           (10) To borrow money;

15           (11) To appoint committees, including advisory committees comprised of members, state  
16 regulators, state legislators or their representatives, and consumer representatives, and such other  
17 interested persons as may be designated in this compact and the bylaws;

18           (12) To provide and receive information from, and to cooperate with, law enforcement  
19 agencies;

20           (13) To adopt and use an official seal; and

21           (14) To perform such other functions as may be necessary or appropriate to achieve the  
22 purposes of this compact consistent with the state regulation of psychology licensure, temporary  
23 in-person, face-to-face practice and telepsychology practice.

24           (d) The executive board. The elected officers shall serve as the executive board, which  
25 shall have the power to act on behalf of the commission according to the terms of this compact.

26           (1) The executive board shall be comprised of six members:

27           (i) Five voting members who are elected from the current membership of the commission  
28 by the commission;

29           (ii) One ex-officio, nonvoting member from the recognized membership organization  
30 composed of state and provincial psychology regulatory authorities.

31           (1) The ex-officio member must have served as staff or member on a state psychology  
32 regulatory authority and will be selected by its respective organization.

33           (2) The commission may remove any member of the executive board as provided in the  
34 bylaws.

1           (3) The executive board shall meet at least annually.

2           (4) The executive board shall have the following duties and responsibilities:

3           (i) Recommend to the entire commission changes to the rules or bylaws, changes to this  
4 compact legislation, fees paid by compact states such as annual dues, and any other applicable fees;

5           (ii) Ensure compact administration services are appropriately provided, contractual or  
6 otherwise;

7           (iii) Prepare and recommend the budget;

8           (iv) Maintain financial records on behalf of the commission;

9           (v) Monitor compact compliance of member states and provide compliance reports to the  
10 commission;

11           (vi) Establish additional committees as necessary; and

12           (vii) Other duties as provided in rules or bylaws.

13           (e) Financing of the commission

14           (1) The commission shall pay, or provide for the payment of the reasonable expenses of its  
15 establishment, organization and ongoing activities.

16           (2) The commission may accept any and all appropriate revenue sources, donations and  
17 grants of money, equipment, supplies, materials and services.

18           (3) The commission may levy on and collect an annual assessment from each compact state  
19 or impose fees on other parties to cover the cost of the operations and activities of the commission  
20 and its staff which must be in a total amount sufficient to cover its annual budget as approved each  
21 year for which revenue is not provided by other sources. The aggregate annual assessment amount  
22 shall be allocated based upon a formula to be determined by the commission which shall  
23 promulgate a rule binding upon all compact states.

24           (1) The commission shall not incur obligations of any kind prior to securing the funds  
25 adequate to meet the same; nor shall the commission pledge the credit of any of the compact States,  
26 except by and with the authority of the compact state.

27           (2) The commission shall keep accurate accounts of all receipts and disbursements. The  
28 receipts and disbursements of the commission shall be subject to the audit and accounting  
29 procedures established under its bylaws. However, all receipts and disbursements of funds handled  
30 by the commission shall be audited yearly by a certified or licensed public accountant and the report  
31 of the audit shall be included in and become part of the annual report of the commission.

32           (a) Qualified immunity, defense, and indemnification

33           (1) The members, officers, executive director, employees and representatives of the  
34 commission shall be immune from suit and liability, either personally or in their official capacity,

1 for any claim for damage to or loss of property or personal injury or other civil liability caused by  
2 or arising out of any actual or alleged act, error or omission that occurred, or that the person against  
3 whom the claim is made had a reasonable basis for believing occurred within the scope of  
4 commission employment, duties or responsibilities; provided that nothing in this paragraph shall  
5 be construed to protect any such person from suit and/or liability for any damage, loss, injury or  
6 liability caused by the intentional or willful or wanton misconduct of that person.

7 (2) The commission shall defend any member, officer, executive director, employee or  
8 representative of the commission in any civil action seeking to impose liability arising out of any  
9 actual or alleged act, error or omission that occurred within the scope of commission employment,  
10 duties or responsibilities, or that the person against whom the claim is made had a reasonable basis  
11 for believing occurred within the scope of commission employment, duties or responsibilities;  
12 provided that nothing herein shall be construed to prohibit that person from retaining his or her  
13 own counsel; and provided further, that the actual or alleged act, error or omission did not result  
14 from that person's intentional or willful or wanton misconduct.

15 (3) The commission shall indemnify and hold harmless any member, officer, executive  
16 director, employee or representative of the commission for the amount of any settlement or  
17 judgment obtained against that person arising out of any actual or alleged act, error or omission  
18 that occurred within the scope of commission. employment, duties or responsibilities, or that such  
19 person had a reasonable basis for believing occurred within the scope of commission employment,  
20 duties or responsibilities, provided that the actual or alleged act, error or omission did not result  
21 from the intentional or willful or wanton misconduct of that person.

22 **5-44.1-12. – Rulemaking.**

23 (a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth  
24 in section 5-44.1-12 and the rules adopted thereunder. rules and amendments shall become binding  
25 as of the date specified in each rule or amendment. The commission shall not be subject to the  
26 requirements of the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1et seq.,  
27 but rather shall adhere to the requirements stated in this chapter.

28 (b) If a majority of the legislatures of the compact states rejects a rule, by enactment of a  
29 statute or resolution in the same manner used to adopt the compact, then such rule shall have no  
30 further force and effect in any compact state.

31 (c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the  
32 commission.

1           (d) Prior to promulgation and adoption of a final rule or rules by the commission, and at  
2 least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon,  
3 the commission shall file a notice of proposed rulemaking:  
4           (1) On the website of the commission; and  
5           (2) On the website of each compact states' psychology regulatory authority or the  
6 publication in which each state would otherwise publish proposed rules.  
7           (e) The Notice of proposed rulemaking shall include:  
8           (1) The proposed time, date, and location of the meeting in which the rule will be  
9 considered and voted upon;  
10           (2) The text of the proposed rule or amendment and the reason for the proposed rule;  
11           (3) A request for comments on the proposed rule from any interested person; and  
12           (4) The manner in which interested persons may submit notice to the commission of their  
13 intention to attend the public hearing and any written comments.  
14           (f) Prior to adoption of a proposed rule, the commission shall allow persons to submit  
15 written data, facts, opinions and arguments, which shall be made available to the public.  
16           (g) The commission shall grant an opportunity for a public hearing before it adopts a rule  
17 or amendment if a hearing is requested by:  
18           (1) At least twenty-five (25) persons who submit comments independently of each other;  
19           (2) A governmental subdivision or agency; or  
20           (3) A duly appointed person in an association that has having at least twenty-five (25)  
21 members.  
22           (h) If a hearing is held on the proposed rule or amendment, the commission shall publish  
23 the place, time, and date of the scheduled public hearing.  
24           (1) All persons wishing to be heard at the hearing shall notify the executive director of the  
25 commission or other designated member in writing of their desire to appear and testify at the  
26 hearing not less than five (5) business days before the scheduled date of the hearing.  
27           (2) Hearings shall be conducted in a manner providing each person who wishes to comment  
28 a fair and reasonable opportunity to comment orally or in writing.  
29           (3) No transcript of the hearing is required, unless a written request for a transcript is made,  
30 in which case the person requesting the transcript shall bear the cost of producing the transcript. A  
31 recording may be made in lieu of a transcript under the same terms and conditions as a transcript.  
32 This subsection shall not preclude the commission from making a transcript or recording of the  
33 hearing if it so chooses.

1           (4) Nothing in this section shall be construed as requiring a separate hearing on each rule.  
2           rules may be grouped for the convenience of the commission at hearings required by this section.

3           (i) Following the scheduled hearing date, or by the close of business on the scheduled  
4           hearing date if the hearing was not held, the commission shall consider all written and oral  
5           comments received.

6           (j) The commission shall, by majority vote of all members, take final action on the proposed  
7           rule and shall determine the effective date of the rule, if any, based on the rulemaking record and  
8           the full text of the rule.

9           (k) If no written notice of intent to attend the public hearing by interested parties is  
10           received, the commission may proceed with promulgation of the proposed rule without a public  
11           hearing.

12           (l) Upon determination that an emergency exists, the commission may consider and adopt  
13           an emergency rule without prior notice, opportunity for comment, or hearing, provided that the  
14           usual rulemaking procedures provided in the compact and in this section shall be retroactively  
15           applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the  
16           effective date of the rule. For the purposes of this provision, an emergency rule is one that must be  
17           adopted immediately in order to:

18           (1) Meet an imminent threat to public health, safety, or welfare;

19           (2) Prevent a loss of commission or compact state funds;

20           (3) Meet a deadline for the promulgation of an administrative rule that is established by  
21           federal law or rule; or

22           (4) Protect public health and safety.

23           (m) The commission or an authorized committee of the commission may direct revisions  
24           to a previously adopted rule or amendment for purposes of correcting typographical errors, errors  
25           in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be  
26           posted on the website of the commission. The revision shall be subject to challenge by any person  
27           for a period of thirty (30) days after posting. The revision may be challenged only on grounds that  
28           the revision results in a material change to a rule. A challenge shall be made in writing, and  
29           delivered to the chair of the commission prior to the end of the notice period. If no challenge is  
30           made, the revision will take effect without further action. If the revision is challenged, the revision  
31           may not take effect without the approval of the commission.

32           **5-44.1-13. -- Oversight, dispute resolution, and enforcement.**

33           (a) Oversight



1       (1) The executive, legislative and judicial branches of state government in each compact  
2 state shall enforce this compact and take all actions necessary and appropriate to effectuate the  
3 compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder  
4 shall have standing as statutory law.

5       (2) All courts shall take judicial notice of the compact and the rules in any judicial or  
6 administrative proceeding in a compact state pertaining to the subject matter of this compact which  
7 may affect the powers, responsibilities or actions of the commission.

8       (3) The commission shall be entitled to receive service of process in any such proceeding,  
9 and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service  
10 of process to the commission shall render a judgment or order void as to the commission, this  
11 compact or promulgated rules.

12       (b) Default, technical assistance, and termination

13       (1) If the commission determines that a compact state has defaulted in the performance of  
14 its obligations or responsibilities under this compact or the promulgated rules, the commission  
15 shall:

16       (a) Provide written notice to the defaulting state and other compact states of the nature of  
17 the default, the proposed means of remedying the default and/or any other action to be taken by the  
18 commission; and

19       (b) Provide remedial training and specific technical assistance regarding the default.

20       (2) If a state in default fails to remedy the default, the defaulting state may be terminated  
21 from the compact upon an affirmative vote of a majority of the compact states, and all rights,  
22 privileges and benefits conferred by this compact shall be terminated on the effective date of  
23 termination. A remedy of the default does not relieve the offending state of obligations or liabilities  
24 incurred during the period of default.

25       (3) Termination of membership in the compact shall be imposed only after all other means  
26 of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be  
27 submitted by the commission to the governor, the majority and minority leaders of the defaulting  
28 state's legislature, and each of the compact states.

29       (4) A compact state which has been terminated is responsible for all assessments,  
30 obligations and liabilities incurred through the effective date of termination, including obligations  
31 which extend beyond the effective date of termination.

32       (5) The commission shall not bear any costs incurred by the state which is found to be in  
33 default or which has been terminated from the compact, unless agreed upon in writing between the  
34 commission and the defaulting state.

1       (6) The defaulting state may appeal the action of the commission by petitioning the U.S.  
2 district court for the state of Georgia or the federal district where the compact has its principal  
3 offices. The prevailing member shall be awarded all costs of such litigation, including reasonable  
4 attorney's fees.

5       (c) Dispute resolution

6       (1) Upon request by a compact state, the commission shall attempt to resolve disputes  
7 related to the compact which arise among compact states and between compact and non-compact  
8 states.

9       (2) The commission shall promulgate a rule providing for both mediation and binding  
10 dispute resolution for disputes that arise before the commission.

11       (d) Enforcement

12       (1) The commission, in the reasonable exercise of its discretion, shall enforce the  
13 provisions and rules of this compact.

14       (2) By majority vote, the commission may initiate legal action in the United States district  
15 court for the State of Georgia or the federal district where the compact has its principal offices  
16 against a compact state in default to enforce compliance with the provisions of the compact and its  
17 promulgated rules and bylaws. The relief sought may include both injunctive relief and damages.  
18 In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of  
19 such litigation, including reasonable attorney's fees.

20       (3) The remedies herein shall not be the exclusive remedies of the commission. The  
21 commission may pursue any other remedies available under federal or state law.

22       **5-44.1-14. Date of implementation of the psychology interjurisdictional compact**  
23 **commission and associated rules, withdrawal, and amendments.**

24       (a) The compact shall come into effect on the date on which the compact is enacted into  
25 law in the seventh compact state. The provisions which become effective at that time shall be  
26 limited to the powers granted to the commission relating to assembly and the promulgation of rules.  
27 Thereafter, the commission shall meet and exercise rulemaking powers necessary to the  
28 implementation and administration of the compact.

29       (b) Any state which joins the compact subsequent to the commission's initial adoption of  
30 the rules shall be subject to the rules as they exist on the date on which the compact becomes law  
31 in that state. Any rule which has been previously adopted by the commission shall have the full  
32 force and effect of law on the day the compact becomes law in that state.

33       (c) Any compact state may withdraw from this compact by enacting a statute repealing the  
34 same.

1       (1) A compact state’s withdrawal shall not take effect until six (6) months after enactment  
2 of the repealing statute.

3       (2) Withdrawal shall not affect the continuing requirement of the withdrawing state’s  
4 psychology regulatory authority to comply with the investigative and adverse action reporting  
5 requirements of this act prior to the effective date of withdrawal.

6       (d) Nothing contained in this compact shall be construed to invalidate or prevent any  
7 psychology licensure agreement or other cooperative arrangement between a compact state and a  
8 non-compact state which does not conflict with the provisions of this compact.

9       (e) This compact may be amended by the compact states. No amendment to this compact  
10 shall become effective and binding upon any compact State until it is enacted into the law of all  
11 compact states.

12       **5-44.1-15. – Construction and severability.**

13       This compact shall be liberally construed so as to effectuate the purposes thereof. If this  
14 compact shall be held contrary to the constitution of any state member thereto, the compact shall  
15 remain in full force and effect as to the remaining compact States.

16       SECTION 6. Title 5 of the General Laws entitled “Business and Professions” is hereby  
17 amended by adding thereto the following chapter:

18                               **CHAPTER 40.2**

19                               **RHODE ISLAND PHYSICAL THERAPIST LICENSURE COMPACT**

20       **5-40.2-1. Short title – The Rhode Island Physical Therapist Licensure Compact Act.**

21       This chapter shall be known and may be cited as the Rhode Island physical therapist  
22 licensure compact act.

23       **5-40.2.-2. Purpose.**

24       (a) The purpose of the physical therapist licensure compact is to facilitate interstate practice  
25 of physical therapy with the goal of improving public access to physical therapy services. The  
26 practice of physical therapy occurs in the state where the patient/client is located at the time of the  
27 patient/client encounter. The compact preserves the regulatory authority of the state to protect  
28 public health and safety through the current system of state licensure. The compact is designed to  
29 achieve the following objectives:

30       (1) Increase public access to physical therapy services by providing for the mutual  
31 recognition of other member state licenses;

32       (2) Enhance the states’ ability to protect the public’s health and safety;

33       (3) Encourage the cooperation of member states in regulating multi-state physical therapy  
34 practice;

1       (4) Support spouses of relocating military members;  
2       (5) Enhance the exchange of licensure, investigative, and disciplinary information between  
3       member states; and

4       (6) Allow a remote state to hold a provider of services with a compact privilege in that state  
5       accountable to that state’s practice standards.

6       **5-40.2-3. Definitions.**

7       As used in this compact, and except as otherwise provided, the following definitions shall  
8       apply:

9       (a) “Active duty military” means full-time duty status in the active uniformed service of  
10       the United States, including members of the national guard and reserve on active duty orders  
11       pursuant to 10 U.S.C. Section 1209 and 1211.

12       (b) “Adverse action” means disciplinary action taken by a physical therapy licensing board  
13       based upon misconduct, unacceptable performance, or a combination of both.

14       (c) “Alternative program” means a non-disciplinary monitoring or practice remediation  
15       process approved by a physical therapy licensing board. This includes, but is not limited to,  
16       substance abuse issues.

17       (d) “Compact privilege” means the authorization granted by a remote state to allow a  
18       licensee from another member state to practice as a physical therapist or work as a physical therapist  
19       assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the  
20       member state where the patient/client is located at the time of the patient/client encounter.

21       (e) “Continuing competence” means a requirement, as a condition of license renewal, to  
22       provide evidence of participation in, and/or completion of, educational and professional activities  
23       relevant to practice or area of work.

24       (f) “Data system” means a repository of information about licensees, including  
25       examination, licensure, investigative, compact privilege, and adverse action.

26       (g) “Encumbered license” means a license that a physical therapy licensing board has  
27       limited in any way.

28       (h) “Executive board” means a group of directors elected or appointed to act on behalf of,  
29       and within the powers granted to them by, the commission.

30       (i) “Home state” means the member state that is the licensee’s primary state of residence.

31       (j) “Investigative information” means information, records, and documents received or  
32       generated by a physical therapy licensing board pursuant to an investigation.

33       (k) “Jurisprudence requirement” means the assessment of an individual’s knowledge of the  
34       laws and rules governing the practice of physical therapy in a state.

1           (l) “Licensee” means an individual who currently holds an authorization from the state to  
2           practice as a physical therapist or to work as a physical therapist assistant.

3           (m) “Member state” means a state that has enacted the compact.

4           (n) “Party state” means any member state in which a licensee holds a current license or  
5           compact privilege or is applying for a license or compact privilege.

6           (o) “Physical therapist” means an individual who is licensed by a state to practice physical  
7           therapy.

8           (p) “Physical therapist assistant” means an individual who is licensed/certified by a state  
9           and who assists the physical therapist in selected components of physical therapy.

10           (q) “Physical therapy,” “physical therapy practice,” and “the practice of physical therapy”  
11           mean the care and services provided by or under the direction and supervision of a licensed physical  
12           therapist.

13           (r) “Physical therapy compact” means the formal compact authorized in chapter 5-40.2.

14           (s) “Physical therapy compact commission” or “commission” means the national  
15           administrative body whose membership consists of all states that have enacted the compact.

16           (t) “Physical therapy licensing board” or “licensing board” means the agency of a state that  
17           is responsible for the licensing and regulation of physical therapists and physical therapist  
18           assistants.

19           (u) “Remote state” means a member state other than the home state, where a licensee is  
20           exercising or seeking to exercise the compact privilege.

21           (v) “Rule” means a regulation, principle, or directive promulgated by the commission that  
22           has the force of law.

23           (w) “State” means any state, commonwealth, district, or territory of the United States of  
24           America that regulates the practice of physical therapy.

25           **5-40.2-4. State participation in the compact.**

26           (a) To participate in the compact, a state must:

27           (1) Participate fully in the commission’s data system, including using the commission’s  
28           unique identifier as defined in rules;

29           (2) Have a mechanism in place for receiving and investigating complaints about licensees;

30           (3) Notify the commission, in compliance with the terms of the compact and rules, of any  
31           adverse action or the availability of investigative information regarding a licensee;

32           (4) Fully implement a criminal background check requirement, within a time frame  
33           established by rule, by receiving the results of the Federal Bureau of Investigation record search on

1 criminal background checks and use the results in making licensure decisions in accordance with  
2 section 5-40.2-4 (b);

3 (5) Comply with the rules of the commission;  
4 (6) Utilize a recognized national examination as a requirement for licensure pursuant to the  
5 rules of the commission; and  
6 (7) Have continuing competence requirements as a condition for license renewal.

7 (b) Upon adoption of this statute, the member state shall have the authority to obtain  
8 biometric-based information from each physical therapy licensure applicant and submit this  
9 information to the Federal Bureau of Investigation for a criminal background check in accordance  
10 with 28 U.S.C. §534 and 42 U.S.C. §14616.

11 (c) A member state shall grant the compact privilege to a licensee holding a valid  
12 unencumbered license in another member state in accordance with the terms of the compact and  
13 rules.

14 (d) Member states may charge a fee for granting a compact privilege.

15 **5-40.2-5. Compact privilege.**

16 (a) To exercise the compact privilege under the terms and provisions of the compact, the  
17 licensee shall:

18 (1) Hold a license in the home state;  
19 (2) Have no encumbrance on any state license;  
20 (3) Be eligible for a compact privilege in any member state in accordance with section 5-  
21 40.2-5 (d), (g), and (h);  
22 (4) Have not had any adverse action against any license or compact privilege within the  
23 previous two years;  
24 (5) Notify the commission that the licensee is seeking the compact privilege within a  
25 remote state(s);  
26 (6) Pay any applicable fees, including any state fee, for the compact privilege;  
27 (7) Meet any jurisprudence requirements established by the remote state(s) in which the  
28 licensee is seeking a compact privilege; and  
29 (8) Report to the commission adverse action taken by any non-member state within 30 days  
30 from the date the adverse action is taken.

31 (b) The compact privilege is valid until the expiration date of the home license. The licensee  
32 must comply with the requirements of section 5-40.2-5 (a) to maintain the compact privilege in the  
33 remote state.

1       (c) A licensee providing physical therapy in a remote state under the compact privilege  
2 shall function within the laws and regulations of the remote state.

3       (d) A licensee providing physical therapy in a remote state is subject to that state's  
4 regulatory authority. A remote state may, in accordance with due process and that state's laws,  
5 remove a licensee's compact privilege in the remote state for a specific period of time, impose  
6 fines, and/or take any other necessary actions to protect the health and safety of its citizens. The  
7 licensee is not eligible for a compact privilege in any state until the specific time for removal has  
8 passed and all fines are paid.

9       (e) If a home state license is encumbered, the licensee shall lose the compact privilege in  
10 any remote state until the following occur:

11           (1) The home state license is no longer encumbered; and

12           (2) Two years have elapsed from the date of the adverse action.

13       (f) Once an encumbered license in the home state is restored to good standing, the licensee  
14 must meet the requirements of section 5-40.2-5 (a) to obtain a compact privilege in any remote  
15 state.

16       (g) If a licensee's compact privilege in any remote state is removed, the individual shall  
17 lose the compact privilege in any remote state until the following occur:

18           (1) The specific period of time for which the compact privilege was removed has ended;

19           (2) All fines have been paid; and

20           (3) Two years have elapsed from the date of the adverse action.

21       (h) Once the requirements of section 5-40.2-5 (g) have been met, the license must meet the  
22 requirements in section 5-40.2-5 (a) to obtain a compact privilege in a remote state.

23       **5-40.2-6. Active duty military personnel or their spouses.**

24       (a) A licensee who is active duty military or is the spouse of an individual who is active  
25 duty military may designate one of the following as the home state:

26           (1) Home of record;

27           (2) Permanent change of station (PCS); or

28           (3) State of current residence if it is different than the PCS state or home of record.

29       **5-40.2-7. Adverse Actions.**

30       (a) A home state shall have exclusive power to impose adverse action against a license  
31 issued by the home state.

32       (b) A home state may take adverse action based on the investigative information of a  
33 remote state, so long as the home state follows its own procedures for imposing adverse action.

1 (c) Nothing in this compact shall override a member state's decision that participation in  
2 an alternative program may be used in lieu of adverse action and that such participation shall remain  
3 non-public if required by the member state's laws. Member states must require licensees who enter  
4 any alternative programs in lieu of discipline to agree not to practice in any other member state  
5 during the term of the alternative program without prior authorization from such other member  
6 state.

7 (d) Any member state may investigate actual or alleged violations of the statutes and rules  
8 authorizing the practice of physical therapy in any other member state in which a physical therapist  
9 or physical therapist assistant holds a license or compact privilege.

10 (e) A remote state shall have the authority to:

11 (1) Take adverse actions as set forth in section 5-40.2-5 (d) against a licensee's compact  
12 privilege in the state;

13 (2) Issue subpoenas for both hearings and investigations that require the attendance and  
14 testimony of witnesses, and the production of evidence. Subpoenas issued by a physical therapy  
15 licensing board in a party state for the attendance and testimony of witnesses, and/or the production  
16 of evidence from another party state, shall be enforced in the latter state by any court of competent  
17 jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in  
18 proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses,  
19 mileage, and other fees required by the service statutes of the state where the witnesses and/or  
20 evidence are located; and

21 (3) If otherwise permitted by state law, recover from the licensee the costs of investigations  
22 and disposition of cases resulting from any adverse action taken against that licensee.

23 (f) Joint Investigations

24 (1) In addition to the authority granted to a member state by its respective physical therapy  
25 practice act or other applicable state law, a member state may participate with other member states  
26 in joint investigations of licensees.

27 (2) Member states shall share any investigative, litigation, or compliance materials in  
28 furtherance of any joint or individual investigation initiated under the Compact.

29 **5-40.2-8. Establishment of the physical therapy compact commission.**

30 (a) The compact member states hereby create and establish a joint public agency known as  
31 the physical therapy compact commission;

32 (1) The commission is an instrumentality of the compact states.

33 (2) Venue is proper and judicial proceedings by or against the commission shall be brought  
34 solely and exclusively in a court of competent jurisdiction where the principal office of the



1 commission is located. The commission may waive venue and jurisdictional defenses to the extent  
2 it adopts or consents to participate in alternative dispute resolution proceedings.

3 (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

4 (b) Membership, Voting, and Meetings

5 (1) Each member state shall have and be limited to one delegate selected by that member  
6 state's licensing board.

7 (2) The delegate shall be a current member of the licensing board, who is a physical  
8 therapist, physical therapist assistant, public member, or the board administrator.

9 (3) Any delegate may be removed or suspended from office as provided by the law of the  
10 state from which the delegate is appointed.

11 (4) The member state board shall fill any vacancy occurring in the commission.

12 (5) Each delegate shall be entitled to one vote with regard to the promulgation of rules and  
13 creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs  
14 of the commission.

15 (6) A delegate shall vote in person or by such other means as provided in the bylaws. The  
16 bylaws may provide for delegates' participation in meetings by telephone or other means of  
17 communication.

18 (7) The commission shall meet at least once during each calendar year.

19 (8) Additional meetings shall be held as set forth in the bylaws.

20 (c) The commission shall have the following powers and duties:

21 (1) Establish the fiscal year of the commission;

22 (2) Establish bylaws;

23 (3) Maintain its financial records in accordance with the bylaws;

24 (4) Meet and take such actions as are consistent with the provisions of this compact and  
25 the bylaws;

26 (5) Promulgate uniform rules to facilitate and coordinate implementation and  
27 administration of this compact. The rules shall have the force and effect of law and shall be binding  
28 in all member states;

29 (6) Bring and prosecute legal proceedings or actions in the name of the commission,  
30 provided that the standing of any state physical therapy licensing board to sue or be sued under  
31 applicable law shall not be affected;

32 (7) Purchase and maintain insurance and bonds;

33 (8) Borrow, accept, or contract for services of personnel, including, but not limited to,  
34 employees of a member state;

1       (9) Hire employees, elect or appoint officers, fix compensation, define duties, grant such  
2 individuals appropriate authority to carry out the purposes of the compact, and to establish the  
3 commission's personnel policies and programs relating to conflicts of interest, qualifications of  
4 personnel, and other related personnel matters;

5       (10) Accept any and all appropriate donations and grants of money, equipment, supplies,  
6 materials and services, and to receive, utilize and dispose of the same; provided that at all times the  
7 commission shall avoid any appearance of impropriety and/or conflict of interest;

8       (11) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,  
9 improve or use, any property, real, personal or mixed; provided that at all times the commission  
10 shall avoid any appearance of impropriety;

11       (12) Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any  
12 property real, personal, or mixed;

13       (13) Establish a budget and make expenditures;

14       (14) Borrow money;

15       (15) Appoint committees, including standing committees composed of members, state  
16 regulators, state legislators or their representatives, and consumer representatives, and such other  
17 interested persons as may be designated in this compact and the bylaws;

18       (16) Provide and receive information from, and cooperate with, law enforcement agencies;

19       (17) Establish and elect an executive board; and

20       (18) Perform such other functions as may be necessary or appropriate to achieve the  
21 purposes of this compact consistent with the state regulation of physical therapy licensure and  
22 practice.

23       (d) The executive board shall have the power to act on behalf of the commission according  
24 to the terms of this compact. The executive board shall be composed of nine members:

25       (1) Seven voting members who are elected by the commission from the current  
26 membership of the commission;

27       (2) One ex-officio, nonvoting member from the recognized national physical therapy  
28 professional association; and

29       (3) One ex-officio, nonvoting member from the recognized membership organization of  
30 the physical therapy licensing boards.

31       (4) The ex-officio members will be selected by their respective organizations.

32       (5) The commission may remove any member of the executive board as provided in  
33 bylaws.

34       (e) The executive board shall meet at least annually.

1           (f) The executive board shall have the following duties and responsibilities:

2           (1) Recommend to the entire commission changes to the rules or bylaws, changes to this

3           compact legislation, fees paid by compact member states such as annual dues, and any commission

4           compact fee charged to licensees for the compact privilege;

5           (2) Ensure compact administration services are appropriately provided, contractual or

6           otherwise;

7           (3) Prepare and recommend the budget;

8           (4) Maintain financial records on behalf of the commission;

9           (5) Monitor compact compliance of member states and provide compliance reports to the

10          commission;

11          (6) Establish additional committees as necessary; and

12          (7) Other duties as provided in rules or bylaws.

13          (g) All meetings of the commission shall be open to the public, and public notice of

14          meetings shall be given in the same manner as required under the provisions of Chapter 46 of Title

15          42, but otherwise, the commission shall not be subject to the requirements of the Rhode Island

16          Open Meetings Act, R.I. Gen. Laws § 42-46-1 et seq. and/or the Rhode Island Access to Public

17          Records Act, R.I. Gen. Laws § 38-2-1 et seq. Rather, the commission shall adhere to the

18          requirements stated in this chapter.

19          (1) The commission or the executive board or other committees of the commission may

20          convene in a closed, non-public meeting if the commission or executive board or other committees

21          of the commission must discuss:

22               (2) Non-compliance of a member state with its obligations under the compact;

23               (3) The employment, compensation, discipline or other matters, practices or procedures

24               related to specific employees or other matters related to the commission's internal personnel

25               practices and procedures;

26               (4) Current, threatened, or reasonably anticipated litigation;

27               (5) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

28               (6) Accusing any person of a crime or formally censuring any person;

29               (7) Disclosure of trade secrets or commercial or financial information that is privileged or

30               confidential;

31               (8) Disclosure of information of a personal nature where disclosure would constitute a

32               clearly unwarranted invasion of personal privacy;

33               (9) Disclosure of investigative records compiled for law enforcement purposes;

1           (10) Disclosure of information related to any investigative reports prepared by or on behalf  
2 of or for use of the commission or other committee charged with responsibility of investigation or  
3 determination of compliance issues pursuant to the compact; or  
4           (11) Matters specifically exempted from disclosure by federal or member state statute.  
5           (h) If a meeting, or portion of a meeting, is closed pursuant to this provision, the  
6 commission's legal counsel or designee shall certify that the meeting may be closed and shall  
7 reference each relevant exempting provision.  
8           (i) The commission shall keep minutes that fully and clearly describe all matters discussed  
9 in a meeting and shall provide a full and accurate summary of actions taken, and the reasons  
10 therefore, including a description of the views expressed. All documents considered in connection  
11 with an action shall be identified in such minutes. All minutes and documents of a closed meeting  
12 shall remain under seal, subject to release by a majority vote of the commission or order of a court  
13 of competent jurisdiction.  
14           (j) The commission shall pay, or provide for the payment of, the reasonable expenses of its  
15 establishment, organization, and ongoing activities.  
16           (1) The commission may accept any and all appropriate revenue sources, donations, and  
17 grants of money, equipment, supplies, materials, and services.  
18           (2) The commission may levy on and collect an annual assessment from each member state  
19 or impose fees on other parties to cover the cost of the operations and activities of the commission  
20 and its staff, which must be in a total amount sufficient to cover its annual budget as approved each  
21 year for which revenue is not provided by other sources. The aggregate annual assessment amount  
22 shall be allocated based upon a formula to be determined by the commission, which shall  
23 promulgate a rule binding upon all member states.  
24           (3) The commission shall not incur obligations of any kind prior to securing the funds  
25 adequate to meet the same; nor shall the commission pledge the credit of any of the member states,  
26 except by and with the authority of the member state.  
27           (4) The commission shall keep accurate accounts of all receipts and disbursements. The  
28 receipts and disbursements of the commission shall be subject to the audit and accounting  
29 procedures established under its bylaws. However, all receipts and disbursements of funds handled  
30 by the commission shall be audited yearly by a certified or licensed public accountant, and the  
31 report of the audit shall be included in and become part of the annual report of the commission.  
32           (k) The members, officers, executive director, employees and representatives of the  
33 commission shall be immune from suit and liability, either personally or in their official capacity,  
34 for any claim for damage to or loss of property or personal injury or other civil liability caused by

1 or arising out of any actual or alleged act, error or omission that occurred, or that the person against  
2 whom the claim is made had a reasonable basis for believing occurred within the scope of  
3 commission employment, duties or responsibilities; provided that nothing in this paragraph shall  
4 be construed to protect any such person from suit and/or liability for any damage, loss, injury, or  
5 liability caused by the intentional or willful or wanton misconduct of that person.

6 (1) The commission shall defend any member, officer, executive director, employee or  
7 representative of the commission in any civil action seeking to impose liability arising out of any  
8 actual or alleged act, error, or omission that occurred within the scope of commission employment,  
9 duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis  
10 for believing occurred within the scope of commission employment, duties, or responsibilities;  
11 provided that nothing herein shall be construed to prohibit that person from retaining his or her own  
12 counsel; and provided further, that the actual or alleged act, error, or omission did not result from  
13 that person's intentional or willful or wanton misconduct.

14 (2) The commission shall indemnify and hold harmless any member, officer, executive  
15 director, employee, or representative of the commission for the amount of any settlement or  
16 judgment obtained against that person arising out of any actual or alleged act, error or omission  
17 that occurred within the scope of commission employment, duties, or responsibilities, or that such  
18 person had a reasonable basis for believing occurred within the scope of commission employment,  
19 duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result  
20 from the intentional or willful or wanton misconduct of that person.

21 **5-40-.2-9. Data System.**

22 (a) The commission shall provide for the development, maintenance, and utilization of a  
23 coordinated database and reporting system containing licensure, adverse action, and investigative  
24 information on all licensed individuals in member states.

25 (b) Notwithstanding any other provision of state law to the contrary, a member state shall  
26 submit a uniform data set to the data system on all individuals to whom this compact is applicable  
27 as required by the rules of the commission, including:

28 (1) Identifying information;

29 (2) Licensure data;

30 (3) Adverse actions against a license or compact privilege;

31 (4) Non-confidential information related to alternative program participation;

32 (5) Any denial of application for licensure, and the reason(s) for such denial; and

33 (6) Other information that may facilitate the administration of this compact, as determined  
34 by the rules of the commission.

1 (c) Investigative information pertaining to a licensee in any member state will only be  
2 available to other party states.

3 (d) The commission shall promptly notify all member states of any adverse action taken  
4 against a licensee or an individual applying for a license. Adverse action information pertaining to  
5 a licensee in any member state will be available to any other member state.

6 (e) Member states contributing information to the data system may designate information  
7 that may not be shared with the public without the express permission of the contributing state.

8 (f) Any information submitted to the data system that is subsequently required to be  
9 expunged by the laws of the member state contributing the information shall be removed from the  
10 data system.

11 **5-40-.2-10. Rulemaking.**

12 (a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth  
13 in this Section and the rules adopted thereunder. Rules and amendments shall become binding as  
14 of the date specified in each rule or amendment. The commission shall not be subject to the  
15 requirements of the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 *et seq.*,  
16 but rather shall adhere to the requirements stated in this chapter.

17 (b) If a majority of the legislatures of the member states rejects a rule, by enactment of a  
18 statute or resolution in the same manner used to adopt the compact within four years of the date of  
19 adoption of the rule, then such rule shall have no further force and effect in any member state.

20 (c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the  
21 commission.

22 (d) Prior to promulgation and adoption of a final rule or rules by the commission, and at  
23 least thirty days in advance of the meeting at which the rule will be considered and voted upon, the  
24 commission shall file a notice of proposed Rulemaking:

25 (1) On the website of the commission or other publicly accessible platform; and

26 (2) On the website of each member state physical therapy licensing board or other publicly  
27 accessible platform or the publication in which each state would otherwise publish proposed rules.

28 (e) The notice of proposed rulemaking shall include:

29 (1) The proposed time, date, and location of the meeting in which the rule will be  
30 considered and voted upon;

31 (2) The text of the proposed rule or amendment and the reason for the proposed rule;

32 (3) A request for comments on the proposed rule from any interested person; and

33 (4) The manner in which interested persons may submit notice to the commission of their  
34 intention to attend the public hearing and any written comments.

1 (f) Prior to adoption of a proposed rule, the commission shall allow persons to submit  
2 written data, facts, opinions, and arguments, which shall be made available to the public.

3 (g) The commission shall grant an opportunity for a public hearing before it adopts a rule  
4 or amendment if a hearing is requested by:

5 (1) At least twenty-five persons;

6 (2) A state or federal governmental subdivision or agency; or

7 (3) An association having at least twenty-five members.

8 (h) If a hearing is held on the proposed rule or amendment, the commission shall publish  
9 the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means,  
10 the commission shall publish the mechanism for access to the electronic hearing.

11 (1) All persons wishing to be heard at the hearing shall notify the executive director of the  
12 commission or other designated member in writing of their desire to appear and testify at the  
13 hearing not less than five business days before the scheduled date of the hearing.

14 (2) Hearings shall be conducted in a manner providing each person who wishes to comment  
15 a fair and reasonable opportunity to comment orally or in writing.

16 (3) All hearings will be recorded. A copy of the recording will be made available on  
17 request.

18 (4) Nothing in this section shall be construed as requiring a separate hearing on each rule.  
19 Rules may be grouped for the convenience of the commission at hearings required by this section.

20 (i) Following the scheduled hearing date, or by the close of business on the scheduled  
21 hearing date if the hearing was not held, the commission shall consider all written and oral  
22 comments received.

23 (j) If no written notice of intent to attend the public hearing by interested parties is received,  
24 the commission may proceed with promulgation of the proposed rule without a public hearing.

25 (k) The commission shall, by majority vote of all members, take final action on the  
26 proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking  
27 record and the full text of the rule.

28 (l) Upon determination that an emergency exists, the commission may consider and adopt  
29 an emergency rule without prior notice, opportunity for comment, or hearing, provided that the  
30 usual rulemaking procedures provided in the compact and in this section shall be retroactively  
31 applied to the rule as soon as reasonably possible, in no event later than ninety days after the  
32 effective date of the rule. For the purposes of this provision, an emergency rule is one that must be  
33 adopted immediately in order to:

34 (1) Meet an imminent threat to public health, safety, or welfare;

1           (2) Prevent a loss of commission or member state funds;  
2           (3) Meet a deadline for the promulgation of an administrative rule that is established by  
3           federal law or rule; or

4           (4) Protect public health and safety.

5           (m) The commission or an authorized committee of the commission may direct revisions  
6           to a previously adopted rule or amendment for purposes of correcting typographical errors, errors  
7           in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be  
8           posted on the website of the commission. The revision shall be subject to challenge by any person  
9           for a period of thirty days after posting. The revision may be challenged only on grounds that the  
10          revision results in a material change to a rule. A challenge shall be made in writing and delivered  
11          to the chair of the commission prior to the end of the notice period. If no challenge is made, the  
12          revision will take effect without further action. If the revision is challenged, the revision may not  
13          take effect without the approval of the Commission.

14           **5-40-2-11. Oversight, dispute resolution, and enforcement.**

15          (a) The executive, legislative, and judicial branches of state government in each member  
16          state shall enforce this compact and take all actions necessary and appropriate to effectuate the  
17          compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder  
18          shall have standing as statutory law.

19          (b) All courts shall take judicial notice of the compact and the rules in any judicial or  
20          administrative proceeding in a member state pertaining to the subject matter of this compact which  
21          may affect the powers, responsibilities or actions of the commission.

22          (c) The commission shall be entitled to receive service of process in any such proceeding  
23          and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service  
24          of process to the commission shall render a judgment or order void as to the commission, this  
25          compact, or promulgated rules.

26          (d) If the commission determines that a member state has defaulted in the performance of  
27          its obligations or responsibilities under this compact or the promulgated rules, the commission  
28          shall:

29               (1) Provide written notice to the defaulting state and other member states of the nature of  
30               the default, the proposed means of curing the default and/or any other action to be taken by the  
31               commission; and

32               (2) Provide remedial training and specific technical assistance regarding the default.

33          (e) If a state in default fails to cure the default, the defaulting state may be terminated from  
34          the compact upon an affirmative vote of a majority of the member states, and all rights, privileges



1 and benefits conferred by this compact may be terminated on the effective date of termination. A  
2 cure of the default does not relieve the offending state of obligations or liabilities incurred during  
3 the period of default.

4 (f) Termination of membership in the compact shall be imposed only after all other means  
5 of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given  
6 by the commission to the governor, the majority and minority leaders of the defaulting state's  
7 legislature, and each of the member states.

8 (g) A state that has been terminated is responsible for all assessments, obligations, and  
9 liabilities incurred through the effective date of termination, including obligations that extend  
10 beyond the effective date of termination.

11 (h) The commission shall not bear any costs related to a state that is found to be in default  
12 or that has been terminated from the compact, unless agreed upon in writing between the  
13 commission and the defaulting state.

14 (i) The defaulting state may appeal the action of the commission by petitioning the U.S.  
15 district court for the District of Columbia or the federal district where the commission has its  
16 principal offices. The prevailing member shall be awarded all costs of such litigation, including  
17 reasonable attorney's fees.

18 (j) Upon request by a member state, the commission shall attempt to resolve disputes  
19 related to the compact that arise among member states and between member and non-member  
20 states.

21 (k) The commission shall promulgate a rule providing for both mediation and binding  
22 dispute resolution for disputes as appropriate.

23 (l) The commission, in the reasonable exercise of its discretion, shall enforce the provisions  
24 and rules of this compact.

25 (m) By majority vote, the commission may initiate legal action in the United States district  
26 court for the District of Columbia or the federal district where the commission has its principal  
27 offices against a member state in default to enforce compliance with the provisions of the compact  
28 and its promulgated rules and bylaws. The relief sought may include both injunctive relief and  
29 damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded  
30 all costs of such litigation, including reasonable attorney's fees.

31 (n) The remedies herein shall not be the exclusive remedies of the commission. The  
32 commission may pursue any other remedies available under federal or state law.

33 **5-40-.2-12. Date of implementation of the interstate commission for physical therapy**  
34 **practice and associated rules, withdrawal, and amendment**

(a) The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

(b) Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(c) Any member state may withdraw from this compact by enacting a statute repealing the  
same.

(1) A member state's withdrawal shall not take effect until six months after enactment of  
the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(d) Nothing contained in this compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this compact.

(e) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

### 5-40.2-13. Construction and severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

SECTION 7. Title 23 of the General Laws entitled “Health and Safety” is hereby amended by adding thereto the following chapter:

## CHAPTER 23-4.2

EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE  
COMPACT.

**23-4.2-1. Short title.** – This chapter shall be known and may be cited as the Emergency medical Services Personnel Licensure Interstate Compact.

**23-4.2-2. Purpose.** - In order to protect the public through verification of competency and ensure accountability for patient care related activities all states license emergency medical services (EMS) personnel, such as emergency medical technicians (EMTs), advanced EMTs and paramedics. This Compact is intended to facilitate the day to day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority and authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state. This Compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of EMS personnel and that such state regulation shared among the member states will best protect public health and safety.

This Compact is designed to achieve the following purposes and objectives:

- (1) Increase public access to EMS personnel;
- (2) Enhance the states' ability to protect the public's health and safety, especially patient safety;
- (3) Encourage the cooperation of member states in the areas of EMS personnel licensure and regulation;
- (4) Support licensing of military members who are separating from an active duty tour and their spouses;
- (5) Facilitate the exchange of information between member states regarding EMS personnel licensure, adverse action and significant investigatory information
- (6) Promote compliance with the laws governing EMS personnel practice in each member state; and
- (7) Invest all member states with the authority to hold EMS personnel accountable through the mutual recognition of member state licenses.

### **23-4.2-3. Definitions.**

- (a) “Advanced emergency medical technician (AEMT)” means: an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the national EMS education standards and national EMS scope of practice model.
- (b) “Adverse action” means: any administrative, civil, equitable or criminal action permitted by a state’s laws which may be imposed against licensed EMS personnel by a state EMS authority or state court, including, but not limited to, actions against an individual’s license such as

1 revocation, suspension, probation, consent agreement, monitoring or other limitation or  
2 encumbrance on the individual's practice, letters of reprimand or admonition, fines, criminal  
3 convictions and state court judgments enforcing adverse actions by the state EMS authority.

4 (c) "Alternative program" means: a voluntary, non-disciplinary substance abuse recovery  
5 program approved by a state EMS authority.

6 (d) "Certification" means the successful verification of entry-level cognitive and  
7 psychomotor competency using a reliable, validated, and legally defensible examination.

8 (e) "Commission" means the national administrative body of which all states that have  
9 enacted the compact are members.

10 (f) "Emergency medical technician (EMT)" means: an individual licensed with cognitive  
11 knowledge and a scope of practice that corresponds to that level in the national EMS education  
12 standards and national EMS scope of practice model.

13 (g) "Home state" means a member state where an individual is licensed to practice  
14 emergency medical services.

15 (h) "License" means the authorization by a state for an individual to practice as an EMT,  
16 AEMT, paramedic, or a level in between EMT and paramedic.

17 (i) "Medical director" means: a physician licensed in a member state who is accountable  
18 for the care delivered by EMS personnel.

19 (j) "Member state" means a state that has enacted this compact.

20 (k) "Privilege to practice" means: an individual's authority to deliver emergency medical  
21 services in remote states as authorized under this compact.

22 (l) "Paramedic" means an individual licensed with cognitive knowledge and a scope of  
23 practice that corresponds to that level in the national EMS education standards and national EMS  
24 scope of practice model.

25 (m) "Remote state" means a member state in which an individual is not licensed.

26 (n) "Restricted" means the outcome of an adverse action that limits a license or the  
27 privilege to practice.

28 (o) "Rule" means a written statement by the interstate commission promulgated pursuant  
29 to section 23-4.2-13 of this compact that is of general applicability; implements, interprets, or  
30 prescribes a policy or provision of the compact; or is an organizational, procedural, or practice  
31 requirement of the commission and has the force and effect of statutory law in a member state and  
32 includes the amendment, repeal, or suspension of an existing rule.

1 (p) “Scope of practice” means defined parameters of various duties or services that may be  
2 provided by an individual with specific credentials. Whether regulated by rule, statute, or court  
3 decision, it tends to represent the limits of services an individual may perform.

4 (q) “Significant investigatory information” means:

5 (1) investigative information that a state EMS authority, after a preliminary inquiry that  
6 includes notification and an opportunity to respond if required by state law, has reason to believe,  
7 if proved true, would result in the imposition of an adverse action on a license or privilege to  
8 practice; or

9 (2) investigative information that indicates that the individual represents an immediate  
10 threat to public health and safety regardless of whether the individual has been notified and had an  
11 opportunity to respond.

12 (r) “State” means any state, commonwealth, district, or territory of the United States.

13 (s) “State EMS authority” means: the board, office, or other agency with the legislative  
14 mandate to license EMS personnel.

15 **23-4.2-4– Home state licensure.**

16 (a) Any member state in which an individual holds a current license shall be  
17 deemed a home state for purposes of this compact.

18 (b) Any member state may require an individual to obtain and retain a license to  
19 be authorized to practice in the member state under circumstances not authorized by the privilege  
20 to practice under the terms of this compact.

21 (c) A home state’s license authorizes an individual to practice in a remote state  
22 under the privilege to practice only if the home state:

23 (1) Currently requires the use of the national registry of emergency medical  
24 technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and  
25 paramedic levels;

26 (2) Has a mechanism in place for receiving and investigating complaints about  
27 individuals;

28 (3) Notifies the commission, in compliance with the terms herein, of any adverse  
29 action or significant investigatory information regarding an individual;

30 (4) No later than five years after activation of the compact, requires a criminal  
31 background check of all applicants for initial licensure, including the use of the results of fingerprint  
32 or other biometric data checks compliant with the requirements of the Federal Bureau of  
33 Investigation with the exception of federal employees who have suitability determination in

1 accordance with US CFR §731.202 and submit documentation of such as promulgated in the rules  
2 of the commission; and

3 (5) Complies with the rules of the commission.

4 **23-4.2-5– Compact privilege to practice.**

5 (a) Member states shall recognize the privilege to practice of an individual licensed  
6 in another member state that is in conformance with section 23-4.2-4.

7 (b) To exercise the privilege to practice under the terms and provisions of this  
8 compact, an individual must:

9 (1) Be at least 18 years of age;

10 (2) Possess a current unrestricted license in a member state as an EMT, AEMT,  
11 paramedic, or state recognized and licensed level with a scope of practice and authority between  
12 EMT and paramedic; and

13 (3) Practice under the supervision of a medical director.

14 (c) An individual providing patient care in a remote state under the privilege to  
15 practice shall function within the scope of practice authorized by the home state unless and until  
16 modified by an appropriate authority in the remote state as may be defined in the rules of the  
17 commission.

18 (d) Except as provided in this subsection, an individual practicing in a remote state  
19 will be subject to the remote state’s authority and laws. A remote state may, in accordance with due  
20 process and that state’s laws, restrict, suspend, or revoke an individual’s privilege to practice in the  
21 remote state and may take any other necessary actions to protect the health and safety of its citizens.  
22 If a remote state takes action it shall promptly notify the home state and the Commission.

23 (e) If an individual’s license in any home state is restricted or suspended, the  
24 individual shall not be eligible to practice in a remote state under the privilege to practice until the  
25 individual’s home state license is restored.

26 (f) If an individual’s privilege to practice in any remote state is restricted,  
27 suspended, or revoked the individual shall not be eligible to practice in any remote state until the  
28 individual’s privilege to practice is restored.

29 **23-4.2-6– Conditions of practice in a remote site.**

30 An individual may practice in a remote state under a privilege to practice only in the  
31 performance of the individual’s EMS duties as assigned by an appropriate authority, as defined in  
32 the rules of the Commission, and under the following circumstances:

33 (1) The individual originates a patient transport in a home state and transports the patient  
34 to a remote state;

1           (2) The individual originates in the home state and enters a remote state to pick up a patient  
2           and provide care and transport of the patient to the home state;

3           (3) The individual enters a remote state to provide patient care and/or transport within that  
4           remote state;

5           (4) The individual enters a remote state to pick up a patient and provide care and transport  
6           to a third member state;

7           (5) Other conditions as determined in the rules.

8           **23-4.2-7 – Relationship to emergency management assistance compact.**

9           Upon a member state’s governor’s declaration of a state of emergency or disaster that  
10          activates the emergency management assistance compact (EMAC), all relevant terms and  
11          provisions of EMAC shall apply and to the extent any terms or provisions of this compact conflicts  
12          with EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the  
13          remote state in response to such declaration.

14          **23-4.2-8– Veterans, service members separating from active duty military, and their**  
15          **spouses.**

16          Member states shall consider a veteran, active military service member, and member of the  
17          national guard and reserves separating from an active duty tour, and a spouse thereof, who holds a  
18          current valid and unrestricted NREMT certification at or above the level of the state license being  
19          sought as satisfying the minimum training and examination requirements for such licensure.

20          (b) Member states shall expedite the processing of licensure applications submitted by  
21          veterans, active military service members, and members of the national guard and reserves  
22          separating from an active duty tour, and their spouses.

23          (c) All individuals functioning with a privilege to practice under this section remain subject  
24          to the adverse actions provisions of section 23-4.2-9.

25          **23-4.2-9– Adverse actions.**

26          A home state shall have exclusive power to impose adverse action against an individual’s  
27          license issued by the home state.

28          (b) If an individual’s license in any home state is restricted or suspended, the individual  
29          shall not be eligible to practice in a remote state under the privilege to practice until the individual’s  
30          home state license is restored.

31          (1) All home state adverse action orders shall include a statement that the individual’s  
32          compact privileges are inactive. The order may allow the individual to practice in remote states  
33          with prior written authorization from both the home state and remote state’s EMS authority.

1       (2) An individual currently subject to adverse action in the home state shall not practice in  
2 any remote state without prior written authorization from both the home state and remote state's  
3 EMS authority.

4       (3) A member state shall report adverse actions and any occurrences that the individual's  
5 compact privileges are restricted, suspended, or revoked to the commission in accordance with the  
6 rules.

7       (4) A remote state may take adverse action on an individual's privilege to practice within  
8 that state.

9       (5) Any member state may take adverse action against an individual's privilege to practice  
10 in that state based on the factual findings of another member state, so long as each state follows its  
11 own procedures for imposing such adverse action.

12       (c) A home state's EMS authority shall investigate and take appropriate action with respect  
13 to reported conduct in a remote state as it would if such conduct had occurred within the home  
14 state. In such cases, the home state's law shall control in determining the appropriate adverse action.

15       (d) Nothing in this compact shall override a member state's decision that participation in  
16 an alternative program may be used in lieu of adverse action and that such participation shall remain  
17 non-public if required by the member state's laws. Member states must require individuals who  
18 enter any alternative programs to agree not to practice in any other member state during the term  
19 of the alternative program without prior authorization from such other member state.

20       **23-4.2-10- Additional powers invested in a member state's emergency medical**  
21 **services authority.**

22       A member state's EMS authority, in addition to any other powers granted under state law,  
23 is authorized under this compact to:

24       (1) Issue subpoenas for both hearings and investigations that require the attendance and  
25 testimony of witnesses and the production of evidence. Subpoenas issued by a member state's EMS  
26 authority for the attendance and testimony of witnesses, and/or the production of evidence from  
27 another member state, shall be enforced in the remote state by any court of competent jurisdiction,  
28 according to that court's practice and procedure in considering subpoenas issued in its own  
29 proceedings. The issuing state EMS authority shall pay any witness fees, travel expenses, mileage,  
30 and other fees required by the service statutes of the state where the witnesses and/or evidence are  
31 located; and

32       (2) Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege to  
33 practice in the state.



1        23-4.2-11– Establishment of the interstate commission for emergency medical  
2 personnel practice.

3        (a) The compact states hereby create and establish a joint public agency known as the  
4 interstate commission for EMS personnel practice.

5            (1) The commission is a body politic and an instrumentality of the compact states.

6            (2) Venue is proper and judicial proceedings by or against the commission shall be brought  
7 solely and exclusively in a court of competent jurisdiction where the principal office of the  
8 commission is located. The commission may waive venue and jurisdictional defenses to the extent  
9 it adopts or consents to participate in alternative dispute resolution proceedings.

10          (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

11          (b) Membership, voting, and meetings

12          (1) Each member state shall have and be limited to one delegate. The responsible official  
13 of the state EMS authority or his designee shall be the delegate to this compact for each member  
14 state. Any delegate may be removed or suspended from office as provided by the law of the state  
15 from which the delegate is appointed. Any vacancy occurring in the commission shall be filled in  
16 accordance with the laws of the member state in which the vacancy exists. In the event that more  
17 than one board, office, or other agency with the legislative mandate to license EMS personnel at  
18 and above the level of EMT exists, the governor of the state will determine which entity will be  
19 responsible for assigning the delegate.

20          (2) Each delegate shall be entitled to one vote with regard to the promulgation of rules and  
21 creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs  
22 of the commission. A delegate shall vote in person or by such other means as provided in the  
23 bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other  
24 means of communication.

25          (3) The commission shall meet at least once during each calendar year. Additional meetings  
26 shall be held as set forth in the bylaws.

27          (4) All meetings shall be open to the public, and public notice of meetings shall be given  
28 in the same manner as required under Chapter 35 of Title 42, but otherwise, the commission shall  
29 not be subject to the requirements of the Rhode Island Open Meetings Act, R.I. Gen. Laws § 42-  
30 46-1 et seq. and/or the Rhode Island Access to Public Records Act, R.I. Gen. Laws § 38-2-1 et seq.  
31 Rather, the commission shall adhere to the requirements stated in this chapter

32          (5) The commission may convene in a closed, non-public meeting if the Commission must  
33 discuss:

34            (i) Non-compliance of a member state with its obligations under the compact;

1           (ii) The employment, compensation, discipline or other personnel matters, practices or  
2 procedures related to specific employees or other matters related to the commission's internal  
3 personnel practices and procedures;

4           (iii) Current, threatened, or reasonably anticipated litigation;

5           (iv) Negotiation of contracts for the purchase or sale of goods, services, or real estate;

6           (v) Accusing any person of a crime or formally censuring any person;

7           (vi) Disclosure of trade secrets or commercial or financial information that is privileged or  
8 confidential;

9           (vii) Disclosure of information of a personal nature where disclosure would constitute a  
10 clearly unwarranted invasion of personal privacy;

11           (viii) Disclosure of investigatory records compiled for law enforcement purposes;

12           (ix) Disclosure of information related to any investigatory reports prepared by or on behalf  
13 of or for use of the commission or other committee charged with responsibility of investigation or  
14 determination of compliance issues pursuant to the compact; or

15           (x) Matters specifically exempted from disclosure by federal or member state statute.

16           (6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the  
17 commission's legal counsel or designee shall certify that the meeting may be closed and shall  
18 reference each relevant exempting provision. The commission shall keep minutes that fully and  
19 clearly describe all matters discussed in a meeting and shall provide a full and accurate summary  
20 of actions taken, and the reasons therefore, including a description of the views expressed. All  
21 documents considered in connection with an action shall be identified in such minutes. All minutes  
22 and documents of a closed meeting shall remain under seal, subject to release by a majority vote of  
23 the commission or order of a court of competent jurisdiction.

24           (c) The commission shall, by a majority vote of the delegates, prescribe bylaws and/or rules  
25 to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the  
26 powers of the compact, including but not limited to:

27           (1) Establishing the fiscal year of the commission;

28           (2) Providing reasonable standards and procedures;

29           (3) for the establishment and meetings of other committees; and

30           (4) governing any general or specific delegation of any authority or function of the  
31 commission;

32           (5) Providing reasonable procedures for calling and conducting meetings of the  
33 commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for  
34 attendance of such meetings by interested parties, with enumerated exceptions designed to protect

1 the public's interest, the privacy of individuals, and proprietary information, including trade secrets.  
2 The commission may meet in closed session only after a majority of the membership votes to close  
3 a meeting in whole or in part. As soon as practicable, the commission must make public a copy of  
4 the vote to close the meeting revealing the vote of each member with no proxy votes allowed;  
5 (6) Establishing the titles, duties and authority, and reasonable procedures for the election  
6 of the officers of the commission;  
7 (7) Providing reasonable standards and procedures for the establishment of the personnel  
8 policies and programs of the commission. Notwithstanding any civil service or other similar laws  
9 of any member state, the bylaws shall exclusively govern the personnel policies and programs of  
10 the commission;  
11 (8) Promulgating a code of ethics to address permissible and prohibited activities of  
12 commission members and employees;  
13 (9) Providing a mechanism for winding up the operations of the commission and the  
14 equitable disposition of any surplus funds that may exist after the termination of the compact after  
15 the payment and/or reserving of all of its debts and obligations;  
16 (10) The commission shall publish its bylaws and file a copy thereof, and a copy of any  
17 amendment thereto, with the appropriate agency or officer in each of the member states, if any.  
18 (11) The commission shall maintain its financial records in accordance with the bylaws.  
19 (12) The commission shall meet and take such actions as are consistent with the provisions  
20 of this compact and the bylaws.  
21 (d) The commission shall have the following powers:  
22 (1) The authority to promulgate uniform rules to facilitate and coordinate implementation  
23 and administration of this compact. The rules shall have the force and effect of law and shall be  
24 binding in all member states;  
25 (2) To bring and prosecute legal proceedings or actions in the name of the commission,  
26 provided that the standing of any state EMS authority or other regulatory body responsible for EMS  
27 personnel licensure to sue or be sued under applicable law shall not be affected;  
28 (3) To purchase and maintain insurance and bonds;  
29 (4) To borrow, accept, or contract for services of personnel, including, but not limited to,  
30 employees of a member state;  
31 (5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such  
32 individuals appropriate authority to carry out the purposes of the compact, and to establish the  
33 commission's personnel policies and programs relating to conflicts of interest, qualifications of  
34 personnel, and other related personnel matters;

1           (6) To accept any and all appropriate donations and grants of money, equipment, supplies,  
2 materials and services, and to receive, utilize and dispose of the same; provided that at all times the  
3 commission shall strive to avoid any appearance of impropriety and/or conflict of interest;  
4           (7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,  
5 improve or use, any property, real, personal or mixed; provided that at all times the Commission  
6 shall strive to avoid any appearance of impropriety;  
7           (8) To sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
8 any property real, personal, or mixed;  
9           (9) To establish a budget and make expenditures;  
10          (10) To borrow money;  
11          (11) To appoint committees, including advisory committees comprised of members, state  
12 regulators, state legislators or their representatives, and consumer representatives, and such other  
13 interested persons as may be designated in this compact and the bylaws;  
14          (12) To provide and receive information from, and to cooperate with, law enforcement  
15 agencies;  
16          (13) To adopt and use an official seal; and  
17          (14) To perform such other functions as may be necessary or appropriate to achieve the  
18 purposes of this compact consistent with the state regulation of EMS personnel licensure and  
19 practice.  
20          (e) Financing of the commission  
21          (1) The Commission shall pay, or provide for the payment of, the reasonable expenses of  
22 its establishment, organization, and ongoing activities.  
23          (2) The commission may accept any and all appropriate revenue sources, donations, and  
24 grants of money, equipment, supplies, materials, and services.  
25          (3) The commission may levy on and collect an annual assessment from each member state  
26 or impose fees on other parties to cover the cost of the operations and activities of the commission  
27 and its staff, which must be in a total amount sufficient to cover its annual budget as approved each  
28 year for which revenue is not provided by other sources. The aggregate annual assessment amount  
29 shall be allocated based upon a formula to be determined by the commission, which shall  
30 promulgate a rule binding upon all member states.  
31          (4) The commission shall not incur obligations of any kind prior to securing the funds  
32 adequate to meet the same; nor shall the commission pledge the credit of any of the member states,  
33 except by and with the authority of the member state.

1       (5) The commission shall keep accurate accounts of all receipts and disbursements. The  
2 receipts and disbursements of the commission shall be subject to the audit and accounting  
3 procedures established under its bylaws. However, all receipts and disbursements of funds handled  
4 by the commission shall be audited yearly by a certified or licensed public accountant, and the  
5 report of the audit shall be included in and become part of the annual report of the commission.

6       (f) Qualified immunity, defense, and indemnification

7       (1) The members, officers, executive director, employees and representatives of the  
8 Commission shall be immune from suit and liability, either personally or in their official capacity,  
9 for any claim for damage to or loss of property or personal injury or other civil liability caused by  
10 or arising out of any actual or alleged act, error or omission that occurred, or that the person against  
11 whom the claim is made had a reasonable basis for believing occurred within the scope of  
12 commission employment, duties or responsibilities; provided that nothing in this paragraph shall  
13 be construed to protect any such person from suit and/or liability for any damage, loss, injury, or  
14 liability caused by the intentional or willful or wanton misconduct of that person.

15       (2) The commission shall defend any member, officer, executive director, employee or  
16 representative of the commission in any civil action seeking to impose liability arising out of any  
17 actual or alleged act, error, or omission that occurred within the scope of commission employment,  
18 duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis  
19 for believing occurred within the scope of commission employment, duties, or responsibilities;  
20 provided that nothing herein shall be construed to prohibit that person from retaining his or her own  
21 counsel; and provided further, that the actual or alleged act, error, or omission did not result from  
22 that person's intentional or willful or wanton misconduct.

23       (3) The commission shall indemnify and hold harmless any member, officer, executive  
24 director, employee, or representative of the commission for the amount of any settlement or  
25 judgment obtained against that person arising out of any actual or alleged act, error or omission  
26 that occurred within the scope of commission employment, duties, or responsibilities, or that such  
27 person had a reasonable basis for believing occurred within the scope of commission employment,  
28 duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result  
29 from the intentional or willful or wanton misconduct of that person.

30       **23-4.2-12 Coordinated database.**

31       (a) The commission shall provide for the development and maintenance of a coordinated  
32 database and reporting system containing licensure, adverse action, and significant investigatory  
33 information on all licensed individuals in member states.

1           **(b) Notwithstanding any other provision of state law to the contrary, a member state shall**  
2 **submit a uniform data set to the coordinated database on all individuals to whom this compact is**  
3 **applicable as required by the rules of the commission, including:**  
4           **(1) Identifying information;**  
5           **(2) Licensure data;**  
6           **(3) Significant investigatory information;**  
7           **(4) Adverse actions against an individual’s license;**  
8           **(5) An indicator that an individual’s privilege to practice is restricted, suspended or**  
9 **revoked;**  
10           **(6) Non-confidential information related to alternative program participation;**  
11           **(7) Any denial of application for licensure, and the reason(s) for such denial; and**  
12           **(8) Other information that may facilitate the administration of this Compact, as determined**  
13 **by the rules of the commission.**  
14           **(c) The coordinated database administrator shall promptly notify all member states of any**  
15 **adverse action taken against, or significant investigative information on, any individual in a**  
16 **member state.**  
17           **(d) Member states contributing information to the coordinated database may designate**  
18 **information that may not be shared with the public without the express permission of the**  
19 **contributing state.**  
20           **(e) Any information submitted to the coordinated database that is subsequently required to**  
21 **be expunged by the laws of the member state contributing the information shall be removed from**  
22 **the coordinated database.**  
23           **23-4.2-13– Rulemaking.**  
24           **The commission shall exercise its rulemaking powers pursuant to the criteria set forth in**  
25 **this Section and the rules adopted thereunder. The commission shall not be subject to the**  
26 **requirements of the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1et seq.,**  
27 **but rather shall adhere to the requirements stated in this chapter. Rules and amendments shall**  
28 **become binding as of the date specified in each rule or amendment.**  
29           **(b) If a majority of the legislatures of the member states rejects a rule, by enactment of a**  
30 **statute or resolution in the same manner used to adopt the compact, then such rule shall have no**  
31 **further force and effect in any member state.**  
32           **(c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the**  
33 **commission.**

1        (d) Prior to promulgation and adoption of a final rule or rules by the commission, and at  
2 least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon,  
3 the commission shall file a notice of proposed rulemaking:  
4        (1) On the website of the commission; and  
5        (2) On the website of each member state EMS authority or the publication in which each  
6 state would otherwise publish proposed rules.  
7        (e) The notice of proposed rulemaking shall include:  
8        (1) The proposed time, date, and location of the meeting in which the rule will be  
9 considered and voted upon;  
10       (2) The text of the proposed rule or amendment and the reason for the proposed rule;  
11       (3) A request for comments on the proposed rule from any interested person; and  
12       (4) The manner in which interested persons may submit notice to the commission of their  
13 intention to attend the public hearing and any written comments.  
14       (f) Prior to adoption of a proposed rule, the commission shall allow persons to submit  
15 written data, facts, opinions, and arguments, which shall be made available to the public.  
16       (g) The commission shall grant an opportunity for a public hearing before it adopts a rule  
17 or amendment if a hearing is requested by:  
18       (1) At least twenty-five (25) persons;  
19       (2) A governmental subdivision or agency; or  
20       (3) An association having at least twenty-five (25) members.  
21       (h) a hearing is held on the proposed rule or amendment, the commission shall publish the  
22 place, time, and date of the scheduled public hearing.  
23       (1) All persons wishing to be heard at the hearing shall notify the executive director of the  
24 commission or other designated member in writing of their desire to appear and testify at the  
25 hearing not less than five business days before the scheduled date of the hearing.  
26       (2) Hearings shall be conducted in a manner providing each person who wishes to comment  
27 a fair and reasonable opportunity to comment orally or in writing.  
28       (3) No transcript of the hearing is required, unless a written request for a transcript is made,  
29 in which case the person requesting the transcript shall bear the cost of producing the transcript. A  
30 recording may be made in lieu of a transcript under the same terms and conditions as a transcript.  
31 This subsection shall not preclude the commission from making a transcript or recording of the  
32 hearing if it so chooses.  
33       (4) Nothing in this section shall be construed as requiring a separate hearing on each rule.  
34 Rules may be grouped for the convenience of the commission at hearings required by this section.

1           (i) Following the scheduled hearing date, or by the close of business on the scheduled  
2 hearing date if the hearing was not held, the commission shall consider all written and oral  
3 comments received.

4           (j) The commission shall, by majority vote of all members, take final action on the proposed  
5 rule and shall determine the effective date of the rule, if any, based on the rulemaking record and  
6 the full text of the rule.

7           (k) If no written notice of intent to attend the public hearing by interested parties is  
8 received, the commission may proceed with promulgation of the proposed rule without a public  
9 hearing.

10          (l) Upon determination that an emergency exists, the commission may consider and adopt  
11 an emergency rule without prior notice, opportunity for comment, or hearing, provided that the  
12 usual rulemaking procedures provided in the compact and in this section shall be retroactively  
13 applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the  
14 effective date of the rule. For the purposes of this provision, an emergency rule is one that must be  
15 adopted immediately in order to:

16           (1) Meet an imminent threat to public health, safety, or welfare;

17           (2) Prevent a loss of commission or member state funds;

18           (3) Meet a deadline for the promulgation of an administrative rule that is established by  
19 federal law or rule; or

20           (4) Protect public health and safety.

21          (m) The commission or an authorized committee of the Commission may direct revisions  
22 to a previously adopted rule or amendment for purposes of correcting typographical errors, errors  
23 in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be  
24 posted on the website of the commission. The revision shall be subject to challenge by any person  
25 for a period of thirty days after posting. The revision may be challenged only on grounds that the  
26 revision results in a material change to a rule. A challenge shall be made in writing and delivered  
27 to the chair of the commission prior to the end of the notice period. If no challenge is made, the  
28 revision will take effect without further action. If the revision is challenged, the revision may not  
29 take effect without the approval of the commission.

30           **23-4.2-14– Oversight, dispute resolution, and enforcement.**

31           (a) Oversight

32           (1) The executive, legislative, and judicial branches of state government in each member  
33 state shall enforce this compact and take all actions necessary and appropriate to effectuate the



1 compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder  
2 shall have standing as statutory law.

3 (2) All courts shall take judicial notice of the compact and the rules in any judicial or  
4 administrative proceeding in a member state pertaining to the subject matter of this compact which  
5 may affect the powers, responsibilities or actions of the commission.

6 (b) The Commission shall be entitled to receive service of process in any such proceeding  
7 and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service  
8 of process to the commission shall render a judgment or order void as to the commission, this  
9 compact, or promulgated rules.

10 (c) Default, technical assistance, and termination

11 (1) If the commission determines that a member state has defaulted in the performance of  
12 its obligations or responsibilities under this compact or the promulgated rules, the commission  
13 shall:

14 (i) Provide written notice to the defaulting state and other member states of the nature of  
15 the default, the proposed means of curing the default and/or any other action to be taken by the  
16 commission; and

17 (ii) Provide remedial training and specific technical assistance regarding the default.

18 (iii) If a state in default fails to cure the default, the defaulting state may be terminated from  
19 the compact upon an affirmative vote of a majority of the member states, and all rights, privileges  
20 and benefits conferred by this compact may be terminated on the effective date of termination. A  
21 cure of the default does not relieve the offending state of obligations or liabilities incurred during  
22 the period of default.

23 (iv) Termination of membership in the compact shall be imposed only after all other means  
24 of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given  
25 by the commission to the governor, the majority and minority leaders of the defaulting state's  
26 legislature, and each of the member states.

27 (2) A state that has been terminated is responsible for all assessments, obligations, and  
28 liabilities incurred through the effective date of termination, including obligations that extend  
29 beyond the effective date of termination.

30 (3) The commission shall not bear any costs related to a state that is found to be in default  
31 or that has been terminated from the compact, unless agreed upon in writing between the  
32 commission and the defaulting state.

33 (4) The defaulting state may appeal the action of the commission by petitioning the U.S.  
34 district court for the District of Columbia or the federal district where the commission has its

1 principal offices. The prevailing member shall be awarded all costs of such litigation, including  
2 reasonable attorney's fees.

3 (d) Dispute resolution

4 (1) Upon request by a member state, the commission shall attempt to resolve disputes  
5 related to the compact that arise among member states and between member and non-member  
6 states.

7 (2) The commission shall promulgate a rule providing for both mediation and binding  
8 dispute resolution for disputes as appropriate.

9 (e) Enforcement

10 (1) The commission, in the reasonable exercise of its discretion, shall enforce the  
11 provisions and rules of this compact.

12 (2) By majority vote, the commission may initiate legal action in the United States district  
13 court for the District of Columbia or the federal district where the commission has its principal  
14 offices against a member state in default to enforce compliance with the provisions of the compact  
15 and its promulgated rules and bylaws. The relief sought may include both injunctive relief and  
16 damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded  
17 all costs of such litigation, including reasonable attorney's fees.

18 (3) The remedies herein shall not be the exclusive remedies of the commission. The  
19 commission may pursue any other remedies available under federal or state law.

20 **23-4.2-15– Date of implementation of the interstate compact commission for**  
21 **emergency medical personnel practice and associated rules, withdrawal, and amendment.**

22 The compact shall come into effect on the date on which the compact statute is enacted  
23 into law in the tenth member state. The provisions, which become effective at that time, shall be  
24 limited to the powers granted to the commission relating to assembly and the promulgation of rules.  
25 Thereafter, the commission shall meet and exercise rulemaking powers necessary to the  
26 implementation and administration of the compact.

27 (b) Any state that joins the compact subsequent to the commission's initial adoption of the  
28 rules shall be subject to the rules as they exist on the date on which the compact becomes law in  
29 that state. Any rule that has been previously adopted by the commission shall have the full force  
30 and effect of law on the day the compact becomes law in that state.

31 (c) Any member state may withdraw from this compact by enacting a statute repealing the  
32 same.

33 (1) A member state's withdrawal shall not take effect until six (6) months after enactment  
34 of the repealing statute.

1 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state’s EMS  
2 authority to comply with the investigative and adverse action reporting requirements of this act  
3 prior to the effective date of withdrawal.

4 (d) Nothing contained in this compact shall be construed to invalidate or prevent any EMS  
5 personnel licensure agreement or other cooperative arrangement between a member state and a  
6 non-member state that does not conflict with the provisions of this compact.

7 (e) This compact may be amended by the member states. No amendment to this compact  
8 shall become effective and binding upon any member state until it is enacted into the laws of all  
9 member states.

10 **23-4.2-16– Construction and severability.**

11 This compact shall be liberally construed so as to effectuate the purposes thereof. If this  
12 compact shall be held contrary to the constitution of any state member thereto, the compact shall  
13 remain in full force and effect as to the remaining member states. Nothing in this compact  
14 supersedes state law or rules related to licensure of EMS agencies.

15 SECTION 8. This section shall take effect upon passage and sunset on July 1, 2026. Title  
16 42 of the General Laws entitled “State Affairs and Government” is hereby amended by adding  
17 thereto the following chapter:

18 **CHAPTER 42-7.5**

19 **THE HEALTH SPENDING TRANSPARENCY AND CONTAINMENT ACT**

20 **42-7.5-1. Short title.**

21 This chapter shall be known and may be cited as “The Health Spending Transparency and  
22 Containment Act.”

23 **42-7.5-2. Background and Purposes.**

24 (a) WHEREAS, in August of 2018, the Cost Trend Steering Committee, composed of  
25 stakeholders including business and consumer advocates and health industry leaders, was created  
26 to advise the RI health care cost trend project in partnership with the Office of the Health Insurance  
27 Commissioner and the Executive Office on Health and Human Services.

28 (b) WHEREAS, the vision of the cost trend steering committee is to provide every Rhode  
29 Islander with access to high-quality, affordable healthcare through greater transparency of  
30 healthcare performance and increased accountability by key stakeholders to ensure healthcare  
31 spending does not increase at a rate that significantly outpaces the projected state domestic product.

32 (c) WHEREAS, the goal of the cost trend work is to use actionable data insights, analytic  
33 tools, State authority, and stakeholder engagement to drive meaningful changes in healthcare  
34 spending in Rhode Island.

1 (d) WHEREAS, since August 2018, Rhode Island has: (1) convened a diverse group of  
2 stakeholders to consider the establishment of a cost growth target; (2) achieved unanimous  
3 consensus on the establishment of such a target; and (3) issued an executive order to formalize the  
4 cost target.

5 (e) WHEREAS, the cost trend steering committee also convened national experts with RI  
6 government officials, advocates, business leaders, and healthcare leaders to share best practices on  
7 claims-based analyses, leading to the development of a strategy to track overall healthcare  
8 spending, report at several levels, and produce information that will inform and enhance provider  
9 decision making.

10 (f) WHEREAS, the values that guide Rhode Island's cost trend efforts include  
11 commitments to (1) broad based stakeholder engagement that ensures consensus and support, (2)  
12 transparency and actionability of data and reports, and (3) collaboration between experts in state  
13 government, the private sector, and academia that results in key decision makers using data in  
14 smarter ways to reduce costs while ensuring high quality care.

15 (g) WHEREAS, in the final year of Peterson Center RI health care cost trend project  
16 funding (ending August of 2021), the steering committee has committed to work on sustainability  
17 planning to codify the cost trend analytics and convenings in the annual practices of the state. This  
18 will require reporting in early 2021 on the state's performance against the cost growth target,  
19 demonstrating that healthcare cost analytics can catalyze policy and behavior change, and  
20 coordinating the cost trend work with the other on-going health reform and data use work in Rhode  
21 Island.

22 (h) WHEREAS, the mission of the Executive Office of Health and Human Services is to  
23 assure access to high quality and cost-effective services that foster the health, safety, and  
24 independence of all Rhode Islanders. The complementary responsibility of the RI Office of the  
25 Health Insurance Commissioner includes addressing the affordability of healthcare and viewing the  
26 healthcare system as a whole, combining consumer protection and commercial insurer regulation  
27 with system reform policy-making.

28 **42-7.5-3 Definitions.**

29 The following words and phrases as used in this chapter shall have the following meaning:

30 (1)(i) "Contribution enrollee" means an individual residing in this state, with respect to  
31 whom an insurer administers, provides, pays for, insures, or covers healthcare services, unless  
32 excepted by this section.

33 (ii) "Contribution enrollee" shall not include an individual whose healthcare services are  
34 paid or reimbursed by Part A or Part B of the Medicare program, a Medicare supplemental policy

1 as defined in section 1882(g)(1) of the Social Security Act, 42 U.S.C. § 1395ss(g)(1), or Medicare  
2 managed care policy, the federal employees' health benefit program, the Veterans' healthcare  
3 program, the Indian health service program, or any local governmental corporation, district, or  
4 agency providing health benefits coverage on a self-insured basis.

5 (2) "Healthcare services funding contribution" means per capita amount each contributing  
6 insurer must contribute to support the health spending transparency and containment program  
7 funded by the method established under this section, with respect to each contribution enrollee.

8 (3)(i) "Insurer" means all persons offering, administering, and/or insuring healthcare  
9 services, including, but not limited to:

10 (A) Policies of accident and sickness insurance, as defined by chapter 18 of title 27;

11 (B) Nonprofit hospital or medical-service plans, as defined by chapters 19 and 20 of title  
12 27;

13 (C) Any person whose primary function is to provide diagnostic, therapeutic, or preventive  
14 services to a defined population on the basis of a periodic premium;

15 (D) All domestic, foreign, or alien insurance companies, mutual associations, and  
16 organizations;

17 (E) Health maintenance organizations, as defined by chapter 41 of title 27;

18 (F) All persons providing health benefits coverage on a self-insurance basis;

19 (G) All third-party administrators described in chapter 20.7 of title 27; and

20 (H) All persons providing health benefit coverage under Title XIX of the Social Security  
21 Act (Medicaid) as a Medicaid managed care organization offering managed Medicaid.

22 (ii) "Insurer" shall not include any nonprofit dental service corporation as defined in § 27-  
23 20.1-2, nor any insurer offering only those coverages described in § 42-7.5-8.

24 (4) "Person" means any individual, corporation, company, association, partnership, limited  
25 liability company, firm, state governmental corporations, districts, and agencies, joint stock  
26 associations, trusts, and the legal successor thereof.

27 (5) "Secretary" means the secretary of health and human services.

28 **42-7.5-4. Imposition of health spending transparency and containment funding**  
29 **contribution.**

30 (a) Each insurer is required to pay the health spending transparency and containment  
31 funding contribution for each contribution enrollee of the insurer as of December 31 of the  
32 preceding calendar year, at the rate set forth in this section.

33 (1) Within 7 days of passage of this act, the secretary shall set the health spending

1 transparency and containment funding contribution each fiscal year in an amount not to exceed one  
2 dollar (\$1) per contribution enrollee per year of all insurers. The funding contribution shall be  
3 established based upon the anticipated spending necessary to administer the program as set forth in  
4 section 42-7.5-10. Any amount collected in excess of the actual amount spent for the program  
5 pursuant to section 42-7.5-10 shall be used to reduce the funding contribution required for the  
6 following assessment period.

7 (2) The assessment set forth herein shall be in addition to any other fees or assessments  
8 upon the insurer allowable by law.

9 (b) The contribution shall be paid by the insurer; provided, however, a person providing  
10 health benefits coverage on a self-insurance basis that uses the services of a third-party  
11 administrator shall not be required to make a contribution for a contribution enrollee where the  
12 contribution on that enrollee has been or will be made by the third-party administrator.

13 **42-7.5-5. Returns and payment.**

14 (a) Every insurer required to make a contribution shall, on or before the first day of  
15 September of each year, beginning September of 2021, make a return to the secretary together with  
16 payment of the annual health spending transparency and containment funding contribution.

17 (b) All returns shall be signed by the insurer required to make the contribution, or by its  
18 authorized representative, subject to the pains and penalties of perjury.

19 (c) If a return shows an overpayment of the contribution due, the secretary shall refund or  
20 credit the overpayment to the insurer required to make the contribution.

21 **42-7.5-6. Method of payment and deposit of contribution.**

22 (a) The payments required by this chapter may be made by electronic transfer of  
23 monies to the general treasurer.

24 (b) The general treasurer shall take all steps necessary to facilitate the transfer of monies  
25 to the health spending transparency and containment funding account established in § 42-7.5-9 in  
26 the amount described in § 42-7.5-4.

27 (c) The general treasurer shall provide the secretary with a record of any monies transferred  
28 and deposited.

29 **42-7.5-7. Rules and regulations.**

30 The secretary is authorized to make and promulgate rules, regulations, and procedures not  
31 inconsistent with state law and fiscal procedures as he or she deems necessary for the proper  
32 administration of this chapter.

33 **42-7.5-8. Excluded coverage from the health spending transparency and containment**  
34 **funding act.**

1 (a) In addition to any exclusion and exemption contained elsewhere in this chapter, this  
2 chapter shall not apply to insurance coverage providing benefits for, nor shall an individual be  
3 deemed a contribution enrollee solely by virtue of receiving benefits for the following:

4 (1) Hospital confinement indemnity;

5 (2) Disability income;

6 (3) Accident only;

7 (4) Long-term care;

8 (5) Medicare supplement;

9 (6) Limited benefit health;

10 (7) Specified disease indemnity;

11 (8) Sickness or bodily injury or death by accident or both; or

12 (9) Other limited benefit policies.

13 **42-7.5-9. Health Spending Transparency and Containment Account.**

14 (a) There is created a restricted receipt account to be known as the “health spending  
15 transparency and containment account.” All money in the account shall be utilized by the Executive  
16 Office of Health and Human Services, with the advice of and in coordination with the Office of the  
17 Health Insurance Commissioner, to effectuate the program described in § 42-7.5-10.

18 (b) All money received pursuant to this section shall be deposited in the health spending  
19 transparency and containment account. The general treasurer is authorized and directed to draw his  
20 or her orders on the account upon receipt of properly authenticated vouchers from the Executive  
21 Office of Health and Human Services.

22 (c) The health spending transparency and containment account shall be exempt from the  
23 indirect cost recovery provisions of § 35-4-27.

24 **42-7.5-10. Health Spending Transparency and Containment Program.**

25 (a) The health spending transparency and containment program (“Program”) is hereby  
26 created to utilize health care claims data to help reduce health care costs.

27 (b) The Program, based on the input of the cost trend steering committee, shall:

28 (1) Maintain an annual health care cost growth target that will be used as a voluntary  
29 benchmark to measure Rhode Island health care spending performance relative to the target, which  
30 performance shall be publicly reported annually.

31 (2) Use data to determine what factors are causing increased health spending in the state,  
32 and to create actionable analysis to drive changes in practice and policy and develop cost reduction  
33 strategies.

1 (c) Annual reports shall be made public and recommendations shall be issued to the  
2 Governor and the General Assembly. Said annual reports shall be presented at a public meeting to  
3 obtain input and comment prior to submission to the Governor and General Assembly.

4 **42-7.5-11. Sunset.**

5 The provision of this chapter shall sunset on July 1, 2026.

6 SECTION 9. Section 40-8.4-12 of the General Laws in Chapter 40-8.4 entitled “Health  
7 Care for Families” is hereby amended to read as follows:

8 **40-8.4-12. RIte Share health insurance premium assistance program.**

9 (a) *Basic RIte Share health insurance premium assistance program.* Under the terms of  
10 Section 1906 of Title XIX of the U.S. Social Security Act, 42 U.S.C. § 1396e, states are permitted  
11 to pay a Medicaid-eligible person's share of the costs for enrolling in employer-sponsored health  
12 insurance (ESI) coverage if it is cost-effective to do so. Pursuant to the general assembly's direction  
13 in the Rhode Island health reform act of 2000, the Medicaid agency requested and obtained federal  
14 approval under § 1916, 42 U.S.C. § 1396o, to establish the RIte Share premium assistance program  
15 to subsidize the costs of enrolling Medicaid-eligible persons and families in employer-sponsored  
16 health insurance plans that have been approved as meeting certain cost and coverage requirements.  
17 The Medicaid agency also obtained, at the general assembly's direction, federal authority to require  
18 any such persons with access to Employer-Sponsored Health Insurance (ESI) coverage to enroll as  
19 a condition of retaining eligibility providing that doing so meets the criteria established in Title  
20 XIX for obtaining federal matching funds.

21 (b) *Definitions.* For the purposes of this section, the following definitions apply:

22 (1) "Cost-effective" means that the portion of the ESI that the state would subsidize, as  
23 well as the costs of wrap-around ~~costs~~ services and cost sharing, would on average cost less to the  
24 state than enrolling that same person/family in a managed-care delivery system.

25 (2) "Cost sharing" means any co-payments, deductibles, or co-insurance associated with  
26 ESI.

27 (3) "Employee premium" means the monthly premium share a person or family is required  
28 to pay to the employer to obtain and maintain ESI coverage.

29 (4) “Employer” means any individual, partnership, association, corporation, estate, trust,  
30 fiduciary, limited liability company, limited liability partnership, or any other legal entity that  
31 employed at least fifty (50) employees during the preceding calendar year. Excluded from this  
32 definition are all charitable, not for profit organizations specifically formed for purposes other than  
33 operating a profit-seeking business and all state or municipal governmental entities.



1           ~~(4)~~(5) "Employer-sponsored [health](#) insurance" or "ESI" means health insurance or a group  
2 health plan offered to employees by an employer. This includes plans purchased by small  
3 employers through the state health insurance marketplace, healthsource, RI (HSRI).

4           ~~(5)~~(6) "Policy holder" means the person in the household with access to ESI, typically the  
5 employee.

6           ~~(6)~~(7) "RItE Share-approved employer-sponsored [health](#) insurance (ESI)" means an  
7 employer-sponsored health insurance plan that meets the coverage and cost-effectiveness criteria  
8 for RItE Share.

9           ~~(7)~~(8) "RItE Share buy-in" means the monthly amount an Medicaid-ineligible policy  
10 holder must pay toward RItE Share-approved ESI that covers the Medicaid-eligible children, young  
11 adults, or spouses with access to the ESI. The buy-in only applies in instances when household  
12 income is above one hundred fifty percent (150%) of the FPL.

13           ~~(8)~~(9) "RItE Share premium assistance program" [\(referred to hereafter as “RItE Share”\)](#)  
14 means the Rhode Island Medicaid premium assistance program in which the State pays the eligible  
15 Medicaid member's share of the cost of enrolling in a RItE Share-approved ESI plan, [as well as](#)  
16 [coverage of wrap-around services, or those that are covered under Medicaid, but not the ESI plan.](#)  
17 This allows the state to share the cost of the health insurance coverage with the employer.

18           ~~(9)~~(10) "RItE Share unit" means the entity within the executive office of health and human  
19 services ~~(EOHHS)~~ responsible for assessing the cost-effectiveness of ESI, contacting employers  
20 about ESI as appropriate, initiating the RItE Share enrollment and disenrollment process, handling  
21 member communications, and managing the overall operations of the RItE Share program.

22           ~~(10)~~(11) "Third-party liability (TPL)" means other health insurance coverage. This  
23 insurance is in addition to Medicaid and is usually provided through an employer. Since Medicaid  
24 is always the payer of last resort, the TPL is always the primary coverage.

25           ~~(11)~~(12) "Wrap-around services or coverage" means any healthcare services not included  
26 in the ESI plan that would have been covered had the Medicaid member been enrolled in a RItE  
27 Care or Rhody Health Partners plan. Coverage of deductibles and co-insurance is included in the  
28 [wrap-around services or coverage](#). Co-payments to providers are not covered as part of the wrap-  
29 around coverage.

30           (c) *RItE Share populations*. Medicaid beneficiaries subject to RItE Share include: children,  
31 families, parent and caretakers eligible for Medicaid or the children's health insurance program  
32 (CHIP) under this chapter or chapter 12.3 of title 42; and adults between the ages of nineteen (19)  
33 and sixty-four (64) who are eligible under chapter 8.12 of this title, not receiving or eligible to

1 receive Medicare, and are enrolled in managed care delivery systems. The following [additional](#)  
2 conditions apply:

3 (1) The income of Medicaid beneficiaries shall affect whether and in what manner they  
4 must participate in RItE Share as follows:

5 (i) Income at or below one hundred fifty percent (150%) of FPL – Persons and families  
6 determined to have household income at or below one hundred fifty percent (150%) of the federal  
7 poverty level (FPL) guidelines based on the modified adjusted gross income (MAGI) standard or  
8 other standard approved by the secretary are required to participate in RItE Share if a Medicaid-  
9 eligible adult or parent/caretaker has access to cost-effective ESI. Enrolling in ESI through RItE  
10 Share shall be a condition of maintaining Medicaid health coverage for any eligible adult with  
11 access to such coverage.

12 (ii) Income above one hundred fifty percent (150%) of FPL and policy holder is not  
13 Medicaid-eligible – Premium assistance is available when the household includes Medicaid-  
14 eligible members, but the ESI policy holder (typically a parent/caretaker, or spouse) is not eligible  
15 for Medicaid. Premium assistance for parents/caretakers and other household members who are not  
16 Medicaid-eligible may be provided in circumstances when enrollment of the Medicaid-eligible  
17 family members in the approved ESI plan is contingent upon enrollment of the ineligible policy  
18 holder and the executive office of health and human services (executive office) determines, based  
19 on a methodology adopted for such purposes, that it is cost-effective to provide premium assistance  
20 for family or spousal coverage.

21 (d) *RItE Share enrollment as a condition of eligibility.* For Medicaid beneficiaries over the  
22 age of nineteen (19), enrollment in RItE Share shall be a condition of eligibility except as exempted  
23 below and by regulations promulgated by the executive office.

24 (1) Medicaid-eligible children and young adults up to age nineteen (19) shall not be  
25 required to enroll in a parent/caretaker relative's ESI as a condition of maintaining Medicaid  
26 eligibility if the person with access to RItE Share-approved ESI does not enroll as required. These  
27 Medicaid-eligible children and young adults shall remain eligible for Medicaid and shall be  
28 enrolled in a RItE Care plan.

29 (2) There shall be a limited six-month (6) exemption from the mandatory enrollment  
30 requirement for persons participating in the RI works program pursuant to chapter 5.2 of this title.

31 (e) *Approval of health insurance plans for premium assistance.* ~~The executive office of~~  
32 ~~health and human services shall adopt regulations providing for the approval of employer-based~~  
33 ~~health insurance plans for premium assistance and shall approve employer-based health insurance~~  
34 ~~plans based on these regulations.~~

1           (1) In order for an employer-based health insurance plan to gain approval, the executive  
2 office must determine that the benefits offered by the employer-based health insurance plan are  
3 substantially similar in amount, scope, and duration to the benefits provided to Medicaid-eligible  
4 persons enrolled in a Medicaid managed care plan, when the plan is evaluated in conjunction with  
5 available supplemental benefits provided by the executive office of health and human services. The  
6 executive office of health and human services shall obtain and make available to persons otherwise  
7 eligible for Medicaid, identified in this section as supplemental benefits, those benefits not  
8 reasonably available under employer-based health insurance plans that are required for Medicaid  
9 beneficiaries by state law or federal law or regulation. Once it has been determined by the ~~Medicaid~~  
10 ~~agency~~ executive office of health and human services that the ESI offered by a particular employer  
11 is RIt Share-approved, all Medicaid members with access to that employer's plan are required to  
12 participate in RIt Share. Failure to meet the mandatory enrollment requirement shall result in the  
13 termination of the Medicaid eligibility of the policy holder and other Medicaid members nineteen  
14 (19) or older in the household who could be covered under the ESI until the policy holder complies  
15 with the RIt Share enrollment procedures established by the executive office.

16           (2) Any employer defined in 40-8.4-12(b)(4) shall be required to:

17           (i) annually provide the executive office of health and human services and the Division of  
18 Taxation with sufficient and necessary information for the Medicaid agency to determine employee  
19 eligibility for RIt Share in accordance with section 40-8.4-12(e)(1).

20           (ii) include instructions provided by EOHHS for RIt Share determination and enrollment  
21 as a part of ESI enrollment materials whenever a new employee is offered ESI and/or during the  
22 employer's annual open enrollment period for health insurance coverage.

23           (iii) participate in the executive office of health and human services' employer education  
24 and outreach campaign concerning the RIt Share program and all ESI options.

25           (iv) not offer financial incentives for employees to turn down ESI and remain on Medicaid.

26           (3) Any employer defined in 40-8.4-12(b)(4), that does not timely comply with the  
27 requirements of section 40-8.4-12(e)(2)(i), shall in accordance with section 44-1-2(9) be assessed  
28 a penalty by the Division of Taxation in the amount of twenty-five hundred dollars (\$2500)  
29 pursuant to regulations promulgated by the executive office of health and human services in  
30 consultation with the division of taxation.

31           (4) Any employer defined in 40-8.4-12(b)(4), that fails to comply with the requirements of  
32 section 40-8.4-12(e)(2)(i) or who falsifies any data or reports required to be submitted to the  
33 executive office of health and human services pursuant to section 40-8.4-12(e)(2)(i), shall in  
34 accordance with the requirements of section 44-1-2 (9) be assessed a penalty by the Division of

1 Taxation in amount of five thousand dollars (\$5000) on such dates and terms to be established  
2 pursuant to regulations promulgated by the executive office of health and human services in  
3 consultation with the division of taxation.

4 (5) The executive office of health and human services shall adopt regulations providing  
5 for the approval of employer-based health insurance plans for premium assistance, the mandatory  
6 data and reporting requirements for any employer defined in 40-8.4-12(b)(4).

7 (f) *Premium assistance.* The executive office shall provide premium assistance by paying  
8 all or a portion of the employee's cost for covering the eligible person and/or his or her family under  
9 such a RItE Share-approved ESI plan subject to the buy-in provisions in this section.

10 (g) *Buy-in.* Persons who can afford it shall share in the cost. – The executive office is  
11 authorized and directed to apply for and obtain any necessary state plan and/or waiver amendments  
12 from the Secretary of the United States Department of Health and Human Services (DHHS) to  
13 require that persons enrolled in a RItE Share-approved employer-based health plan who have  
14 income equal to or greater than one hundred fifty percent (150%) of the FPL to buy-in to pay a  
15 share of the costs based on the ability to pay, provided that the buy-in cost shall not exceed five  
16 percent (5%) of the person's annual income. The executive office shall implement the buy-in by  
17 regulation, and shall consider co-payments, premium shares, or other reasonable means to do so.

18 (h) *Maximization of federal contribution.* The executive office of health and human  
19 services is authorized and directed to apply for and obtain federal approvals and waivers necessary  
20 to maximize the federal contribution for provision of medical assistance coverage under this  
21 section, including the authorization to amend the Title XXI state plan and to obtain any waivers  
22 necessary to reduce barriers to provide premium assistance to recipients as provided for in Title  
23 XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq.

24 (i) *Implementation by regulation.* The executive office of health and human services is  
25 authorized and directed to adopt regulations to ensure the establishment and implementation of the  
26 premium assistance program in accordance with the intent and purpose of this section, the  
27 requirements of Title XIX, Title XXI, and any approved federal waivers.

28 (j) *Outreach and reporting.* The executive office of health and human services shall  
29 develop a plan to identify Medicaid-eligible individuals who have access to employer-sponsored  
30 insurance and increase the use of RItE Share benefits. Beginning October 1, 2019, the executive  
31 office shall submit the plan to be included as part of the reporting requirements under § 35-17-1.  
32 Starting January 1, 2020, the executive office of health and human services shall include the number  
33 of Medicaid recipients with access to employer-sponsored insurance, the number of plans that did

not meet the cost-effectiveness criteria for RIte Share, and enrollment in the premium assistance program as part of the reporting requirements under § 35-17-1.

SECTION 10. Section 44-1-2 of the General Laws in Chapter 44-1 entitled “State Tax Officials” is hereby amended to read as follows:

**44-1-2. Powers and duties of tax administrator.**

The tax administrator is required:

(1) To assess and collect all taxes previously assessed by the division of state taxation in the department of revenue and regulation, including the franchise tax on domestic corporations, corporate excess tax, tax upon gross earnings of public service corporations, tax upon interest bearing deposits in national banks, the inheritance tax, tax on gasoline and motor fuels, and tax on the manufacture of alcoholic beverages;

(2) To assess and collect the taxes upon banks and insurance companies previously administered by the division of banking and insurance in the department of revenue and regulation, including the tax on foreign and domestic insurance companies, tax on foreign building and loan associations, deposit tax on savings banks, and deposit tax on trust companies;

(3) To assess and collect the tax on pari-mutuel or auction mutuel betting, previously administered by the division of horse racing in the department of revenue and regulation;

(4) [Deleted by P.L. 2006, ch. 246, art. 38, § 10];

(5) To assess and collect the monthly surcharges that are collected by telecommunication services providers pursuant to § 39-21.1-14 and are remitted to the division of taxation;

(6) To audit, assess, and collect all unclaimed intangible and tangible property pursuant to chapter 21.1 of title 33;

(7) To provide to the department of labor and training any state tax information, state records, or state documents they or the requesting agency certify as necessary to assist the agency in efforts to investigate suspected misclassification of employee status, wage and hour violations, or prevailing wage violations subject to the agency's jurisdiction, even if deemed confidential under applicable law, provided that the confidentiality of such materials shall be maintained, to the extent required of the releasing department by any federal or state law or regulation, by all state departments to which the materials are released and no such information shall be publicly disclosed, except to the extent necessary for the requesting department or agency to adjudicate a violation of applicable law. The certification must include a representation that there is probable cause to believe that a violation has occurred. State departments sharing this information or materials may enter into written agreements via memorandums of understanding to ensure the safeguarding of such released information or materials; and

1           (8) To preserve the Rhode Island tax base under Rhode Island law prior to the December  
2   22, 2017, Congressional enactment of Public Law 115-97, The Tax Cuts and Jobs Act, the tax  
3   administrator, upon prior written notice to the speaker of the house, senate president, and  
4   chairpersons of the house and senate finance committees, is specifically authorized to amend tax  
5   forms and related instructions in response to any changes the Internal Revenue Service makes to  
6   its forms, regulations, and/or processing which will materially impact state revenues, to the extent  
7   that impact is measurable. Any Internal Revenue Service changes to forms, regulations, and/or  
8   processing which go into effect during the current tax year or within six (6) months of the beginning  
9   of the next tax year and which will materially impact state revenue will be deemed grounds for the  
10   promulgation of emergency rules and regulations under § 42-35-2.10. The provisions of this  
11   subsection (8) shall sunset on December 31, 2021.

12           (9) To collect the penalties from all Rhode Island employers, as defined in section 40-8.4-  
13   12(b)(4), during the preceding calendar year, who fail to provide the information required by the  
14   executive office of health and human services pursuant to section 40-8.4-12 of the Rhode Island  
15   General Laws and associated rules and regulations. An employer is required to provide such  
16   information to the executive office of health and human services on an annual basis if it had at  
17   least an average of fifty (50) or more employees during the preceding calendar year. The first  
18   submissions under this program will be required to be filed with the executive office of health and  
19   human services from employers who had at least an average of fifty (50) or more employees during  
20   2020. The required information must be filed with the executive office of health and human  
21   services between November 15<sup>th</sup> and December 15<sup>th</sup> during the year in which such information is  
22   due. The first reports under this program will be due between November 15, 2021 and December  
23   15, 2021. The penalties set forth in section 40-8.4-12 may be assessed by the tax administrator.  
24   The executive office of health and human services shall transmit to the division of taxation a list of  
25   Rhode Island employers and related documentation or information required by Section 40-8.4-12,  
26   including the list of employers who are not participating in RItE Share, for the purpose of complying  
27   with this chapter as well as chapter 8.4 of title 40. The tax administrator shall collect the penalty  
28   assessment with interest in the same manner with the same powers as are prescribed for collection  
29   of taxes in title 44.

30           SECTION 11. Section 8 of this article shall take effect upon passage and sunset on July 1,  
31   2026. The remaining sections of this article shall take effect upon passage.